

HOUSE OF REPRESENTATIVES—Thursday, June 13, 1996

The House met at 10 a.m.

The Reverend Colin Kelly III, Trinity-on-the-Hill Episcopal Church, Los Alamos, NM, offered the following prayer:

Gracious God, bless these men and women of the House of Representatives. Endow them with wisdom, courage, and strength to know and to do Your will. Inspire them to rise above differences and see common tasks with Your vision.

We pray for the President of these United States, and all in authority, that they may always remember to look in trust to You as they fulfill their daily responsibilities.

We pray also for all the people of our country. We seek justice, freedom, and peace. Help us always to remember that freedom comes with responsibility and peace comes at the price of lives sacrificed. Give us Your peace.

Purify our hearts, O God, and renew a right spirit within us. Through Christ Jesus we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HEFLEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HEFLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to the provisions of clause 5 of rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Oklahoma [Mr. WATTS] come forward and lead the House in the Pledge of Allegiance.

Mr. WATTS of Oklahoma led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the

Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain fifteen 1-minutes on each side.

WELCOMING THE REVEREND COLIN P. KELLY III

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, it gives me great pleasure to formally welcome and introduce today's guest chaplain, the Reverend Colin P. Kelly III of Trinity-on-the-Hill Episcopal Church in Los Alamos, NM.

Reverend Kelly has had a long and distinguished career of service to his congregants and to this Nation. A West Point graduate, he served his country in Germany and at Fort Riley, KS. After receiving a master of divinity degree from Philadelphia Divinity School, he returned to active duty military for extensive pastoral experience. Among his duties, he served as assistant chaplain at the Military Academy and also served as division chaplain at Fort Carson where he supervised 21 Army chaplains who were responsible for the spiritual welfare of over 16,000 soldiers and their families.

After retiring from the Army, he settled in Los Alamos where he assumed duties as rector of Trinity-on-the-Hill Episcopal Church. He is married to Sue Ellen Kelly who just joined him on this mission to Washington and they have five children.

While we in New Mexico know and respect Colin P. Kelly III for his pastoral duties, others around the country might recognize his name—his father was a World War II hero. Colin P. Kelly, Jr., was shot down over the Philippines in December 1941, shortly after the attack on Pearl Harbor. He had engaged the enemy in what was the first strike back by the United States in World War II.

In recognition of the outstanding service offered by the Kelly family to this great Nation, it is only fitting that Reverend Kelly be given the opportunity to offer his prayers before the House. I urge my colleagues to join me in welcoming and honoring Reverend Colin P. Kelly III.

HEALTH INSURANCE

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I simply wanted to rise to note that we are on the verge of a historic achievement. We have a bill which will extend guaranteed portability of health insurance to every American in the health insurance system. That is, you will never again have to worry about changing jobs. You will never again have job lock because of a precondition. You will never again have to worry about a precondition stopping you from getting health insurance once you are in the system. You can change jobs; you can move around; you can do what you need to do.

This is a vital, vital improvement for the people of America. It is the No. 1 concern of working Americans in health care.

In addition, this bill includes lower cost insurance for family farms, for small businesses, and for the self-employed; that is, the groups that have the lowest level of insurance participation, those who are the least covered by insurance.

We have developed a medical savings account plan which allows them to buy lower cost health insurance to cover any kind of major illness they might have. So this is a win/win. It is better health coverage for families already in the insurance system because it eliminates preconditions, and it is lower cost health insurance for the self-employed family farms and small businesses.

I simply hope that the liberals in the Senate who are blocking it will get out of the way and allow the American people to have better health insurance with better coverage at lower cost.

THE IRS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the IRS does not tolerate mistakes. The IRS expects taxpayers to have every single receipt. But check this out. The GAO did an audit of the IRS, and guess what they found; the IRS cannot even tell the difference between income taxes and Social Security taxes. Also, the IRS cannot account for \$3 billion of spending. Also, the IRS says taxpayers owe \$130 billion in overdue taxes, but

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the GAO says they could find no proof of that.

Just think about it. If you could not account for massive spending, if your books were in a shambles, what would the IRS do to you, Mr. Speaker? You would be guilty, guilty, guilty. They would take you to court and you would have to prove yourself innocent.

Beam me up. No wonder the American people are taxed off. I think Congress should take the IRS, handcuff them to a chain-link fence, and flog them with their own damn Tax Code.

That is what the Congress should do. Yield back the balance of the taxes.

WHITE HOUSE AND CONFIDENTIAL FBI FILES

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, yesterday we learned that among those former Reagan and Bush officials whose confidential FBI background files have been pawed through by the Clinton White House is a distinguished Cincinnati, Mr. Joseph W. Hagin.

The search of Mr. Hagin's file is noteworthy not only because Joe is a well respected member of my community but also because the White House initially had said that it had only gotten through files from A through G. Mr. Hagin's last name, of course, begins with the letter "H" and I'm willing to bet that the FBI is good enough to have figured that out.

Now Mr. Speaker, President Clinton has said that the White House never should condone an enemies list and that all of this vast intrusion into the privacy of former public servants is simply the result of administration incompetence. I sure hope that's the case. But I can understand why some of the victims are skeptical. After all this administration had turned the Justice Department over to a political crony named Webster Hubble who now stands convicted of various felonies. And the administration had done little to quell suspicion that the FBI was urged to target and harass Mr. Billy Dale. The President has apologized to Billy Dale. He also should apologize to Mr. Hagin.

The whole thing stinks to high heaven.

HEALTH CARE REFORM

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I heard what Speaker GINGRICH said about the health care reform bill. My concern is that what he mentioned really is very far from the truth. The fact of the matter is the Democrats and Republicans want to see a bill passed that would increase portability and eliminate preexisting conditions as a factor. But

the Republican leadership has insisted on the poison pill of MSA's medical savings accounts.

The effect of including medical savings accounts in this legislation is basically to drive up the cost of insurance for the average person. Instead of expanding the opportunities of health care coverage and eliminating the ranks of the uninsured, by including medical savings accounts only the healthy and the wealthy will be able to take advantage of that. The cost for the average person of health insurance will go up. Instead of having more people covered by health insurance, the effect is that there will be less and less people covered by health insurance because they will not be able to afford the higher premiums.

The poison pill in MSA's is still there. The suggestion by the Speaker that somehow this legislation, if it includes the MSA's is going to solve the health care problem, is not true.

BUREAUCRATIC SNAFUS

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, the Clinton administration is quickly becoming a litany of bureaucratic snafus and mistakes. Clinton responds to all of these mishaps the same way—"I was not aware of any wrongdoing." Notice that Clinton never says that the charges are completely false, they are just someone else's fault not his.

When Bill Clinton campaigned it was "I didn't inhale."

When Whitewater developed, it was "I am not aware of any wrongdoing."

Finally, as the X-files scandal has developed, Clinton's response: "It appears to have been a completely honest bureaucratic snafu."

Mr. Speaker, I believe it was a completely bureaucratic snafu. But this administration has had far too many snafus to fool the American people into believing that these are all honest bureaucratic snafus. It is time for this administration to start taking a small measure of responsibility for its unethical actions. The people want honesty and integrity from the President.

EXTREME, EXTREMER, AND EXTREMIST

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, the election in the Senate yesterday gives the American people some idea of where the Republican Party is going. The three top leaders in the Senate now, like the three top leaders in the House, are far over on the far right extreme, far away from the mainstream American. Not a single moderate Re-

publican is in the House leadership or the Senate leadership. That relates to what the Speaker came to talk about today.

Americans want portability. They want portability in health care. They do not know about any newfangled proposal on MSA's that have come up because some big insurance magnet is pushing it with big contributions. Move portability without any of these other ideological bells and whistles, and you will help the American people. I say, in conclusion, we now have three leaders in the House and Senate: extreme, extremist, extremist. Do not let that vitiate the kind of mainstream health care policy that the American people want.

ABUSIVE CLINTON ADMINISTRATION

(Mr. WATTS of Oklahoma asked and was given permission to address the House for 1 minute.)

Mr. WATTS of Oklahoma. Mr. Speaker, I was born in Eufaula, OK, on November 18, 1957. I graduated from Oklahoma University in May 1981. I was married on May 7, 1977, to Frankie Jean Jones.

I had three fights when I was in the third grade, and I was 3 and 0 for the year. My high school football coach was Paul Bell. My high school basketball coach was Perry Anderson, and my college football coach was Barry Switzer.

□ 1015

Mr. Speaker, in order to prevent taxpayers' hard-earned dollars from being wasted on this type of information from my FBI background check, I thought I would voluntarily hand this over to the White House. By giving this to the White House, they would be able to save time and money on helping us to save to balance the budget.

I would like to point out to this Chamber that valuable taxpayer money has been wasted time and time again by this White House on politically motivated shenanigans such as these FBI files, their travel office and helicopter follies to golf courses by White House personnel.

Mr. Speaker, these problems will continue to happen. I urge my colleagues and the American people to realize that this abuse of our Government by this administration and their liberal buddies is not the first, nor will it be the last.

REPUBLICANS MORE INTERESTED IN REDUCING TAXES FOR THE WEALTHY THAN REDUCING THE DEFICIT

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, Members of the House, the cat is out of the bag. The radical Republican extremists are not in favor of reducing the deficits. They do want a tax cut, a massive tax cut, for the wealthy. We saw it last night.

Mr. Speaker, if my colleagues listened to the chairman of the Committee on the Budget, the gentleman from Ohio [Mr. KASICH], he never once in this closing argument for that budget, never once, mentioned the word "deficit." In fact, under their budget, the reason he did not, under their budget next year the deficit goes up; the following year, the deficit goes up. It does not go down. They need to do that in order to give tax cuts for the wealthy.

The spending cut for Medicare; where is that going to go? The spending cuts for food stamps; where is that going to go? Tax cuts for the wealthy, not to reduce the deficit, because the deficit is going to go up.

Mr. Speaker, they are more interested in reducing taxes for wealthy than they are in reducing the deficits. I say let us reduce the deficits before we give any tax cuts for anybody. That is my position. Let us get a balanced budget first. Then we reduce the deficits.

BROKEN ARMS AND BROKEN PROMISES

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, late last night the House passed the 1997 budget, after an intense battle. The Republican leadership spent an entire day twisting arms to get the votes they needed. The result: A House Chamber filled with broken arms and, most important, broken promises.

Some freshman Republicans who came to Washington to balance the budget ended up voting to actually increase the deficit. Two in particular, Representatives COOLEY and CUBIN, actually voted "no" on passing the budget and then switched their votes. They were joined by two other switchers, Representatives ALLARD and METCALF. Clearly there was a lot of pressure in this Chamber yesterday.

Pressure to approve a budget that increases the deficit, cuts the Medicare Program by \$168 billion over a 6-year period to pay for tax breaks for the wealthy, limits student loans, taxes working families, and closes rural hospitals.

Now the drama of the budget battle is over and the Republican leadership has made one thing explicitly clear: Promises can be made and promises can be broken.

PARLIAMENTARY INQUIRIES

Mr. WALKER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Pennsylvania will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, is it within the rules of the House for Members to ascribe motivation to other Members and identify them by name?

The SPEAKER pro tempore. Political motivations can be suggested, but not personal motivations.

Mr. WALKER. And the use of names is an appropriate kind of behavior on the House floor?

The SPEAKER pro tempore. There is nothing per se a violation by using another Member's name in describing a political action or motive. However, tradition has been to refer to Members by the State of origin rather than by personal names.

Mr. WILLIAMS. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Montana will state his parliamentary inquiry.

Mr. WILLIAMS. Mr. Speaker, is it within the rules of the House for Members during 1-minutes to question the motivation of the President?

The SPEAKER pro tempore. Again, in debate it would be allowable to question political motivation. What the gentleman raised as a parliamentary inquiry was on personal motivation.

Mr. WILLIAMS. Mr. Speaker, is it within the rules for a Member of the House during 1-minutes, or at any other time, to question whether or not a President is acting within the law in his own or her own personal activities?

The SPEAKER pro tempore. The Chair will not make a judgment on what the charges may be or the motivations behind that, but the Members should refrain from personalities in debate.

Mr. WILLIAMS. I would encourage that as well.

WHAT IF A REPUBLICAN PRESIDENT WERE ACCUSED OF RAIDING FBI FILES?

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, the other day in the Washington Post, Mary McGrory brought up a point about the Filegate controversy that I thought was very relevant. What if this had been a Republican administration? Think about it, Mr. Speaker; every member of the liberal media would be at their wits end. CNN would have special Filegate music and would break in every 10 minutes with a special report. Dan Rather and Peter Jennings would be breathless in their zeal to find out the truth about what was going on in the White House.

"60 Minutes" and "20/20" would do special interviews with the people

whose FBI files were investigated. They would ask sensitive questions like, "How does it feel to have your FBI file looked into by the White House?"

But this is not what is happening, Mr. Speaker. Of course, there is media coverage of Filegate, I do not deny that. But there is a different standard applied to liberal Democrats by the media. If a Republican President were accused of raiding FBI files of Democrats, the liberal media would be in absolutely apoplexy.

AFRICAN-AMERICAN CHURCHES UNDER SIEGE IN AMERICA

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, in the 1960's, as the civil rights journey, bloody though it might have been, unfolded in this Nation the eyes of most of America were riveted on those who were seeking simply freedom. Today we are under siege as the most recent church burned in Enid, OK. African-American churches across this Nation are under siege through the tragedy of church burnings. Some of my colleagues have disdained to call this political. I cry out in outrage.

As a cosponsor of the Church Arson Prevention Act, I asked the Speaker of the House in posthaste to bring this to the floor. In joining the gentlewoman from North Carolina who sponsored a resolution for this Nation to denounce this tragedy, I asked for its immediate attention in this House, and I ask America not to sleep at night while these tragedies are occurring, for I ask whether or not our colleagues are willing to entertain the possible loss of life. I ask America to have a day of prayer this coming Sunday to join for peace and freedom and the end of racial hostilities and this tragedy and blight on the Constitution of the United States of America.

BART SIMPSON AND THE WHITE HOUSE: "I DIDN'T DO IT"

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, Bart Simpson said, "I didn't do it, nobody saw me, you can't prove anything."

Mr. Speaker, that is what we are hearing out of the White House when it comes to the files that were requested from the FBI: I did not do it. Bernard Nussbaum says, and he was White House counsel, he says he did not request these FBI files; yet 341 of them were sent to the White House on a letter with his name on it: Nobody saw me. The President says he did not read the files.

But that is kind of what the gentleman from Texas, DICK ARMEY, said: "That is like the President saying he did not inhale."

You can't prove anything. That is because the White House is withholding 2,000 pages of information related to Travelgate documents, which is what spurred the request for the FBI files to begin with.

Mr. Speaker, it is time for the White House to come clean about Travelgate and about Filegate because the American people deserve to know the truth about what is going on within those walls.

TIME FOR THE WHITE HOUSE TO COME CLEAN ON THE FBI FILE SEARCH

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, it is interesting that the gentlewoman from Colorado [Mrs. SCHROEDER] talks about the Nixon White House, because as far as the latest White House blunder the President's silence has been almost deafening. The unanswered questions keep piling up, and the President still has not taken responsibility. What was the White House doing with over 340 private citizens' FBI files? How did these files just happen to be of members of the former Bush and Reagan administration? And why is the President not taking responsibility for these actions?

Mr. Speaker, once again we have a case of feigned innocence by higher-ups at the White House, but this is one time too many that lower level staffers have had to take the blame for major mixups. The excuses are running thin, the coverup game has gone on a little too long. It is time for the White House and the President to come clean about the FBI search. The American people demand no less.

CONCERN ABOUT REPUBLICAN BUDGET PRIORITIES

(Mr. WARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. WARD. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I just wanted to state that the President of the United States did apologize yesterday, and I think it is very important to have that on the record.

Mr. WARD. Mr. Speaker, I rise today to express my concern over the majority's priorities. Last night the budget resolution was passed by a slim margin, changing Medicare in ways that will hurt our working families, raising

tax on our working families and limiting direct student loans.

□ 1030

Today I hear that Medicaid is on the chopping block in the Committee on Commerce. I have one question to ask my colleague on the other side of the aisle: How far will you go, attacking the elderly, the poor, our children, and the disabled?

Completely repealing the Medicaid Program will mean that 18 million children will lose their health coverage if we turn what is now a responsibility and commitment on the part of the Federal Government into a State block-granted program. Four million seniors and disabled will lose their guaranteed coverage needed for doctor and hospital care. I ask, when will this stop?

AN APOLOGY BY THE PRESIDENT IS NOT ENOUGH

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, the gentlewoman from Colorado suggested an apology from the President of the United States is enough; enough, when 340 people have had their lives stripped bare for purely political reasons, their FBI files open for purely political reasons, and an apology is enough.

Mr. Speaker, that is not enough, particularly when we have an FBI official today who tells us about the situation as it may relate to the Nixon administration. He says, "Some Presidents have made good use of FBI background investigations and some, to their regret, have not. But never before has any administration used background investigations of another President's political staff. FBI employees knew it would be wrong to give raw FBI files on political opponents to the other party. In fact, they knew it would be illegal, each disclosure a violation of the Federal Privacy Act."

We are talking about a very serious matter, Mr. Speaker. It deserves full investigation. I am shocked to hear Democrats who came to this floor, time and time again, telling us how Reagan administration officials should be investigated, Bush administration officials should be investigated, how telling us that an apology by the President is enough.

STUPID IS AS STUPID DOES

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, in 1981, President Reagan convinced Congress to increase military spending and cut taxes for the wealthy, claiming this would balance the budget by 1983.

Well, 1983 came along and our deficit exploded to \$207 billion in just the first 2 years of the Reagan administration.

Yesterday, Mr. Speaker, Republican leaders did the exact same thing. The Republican budget resolution passed last night actually increases the deficit by \$40 billion over the next 2 years, just to pay for—you guessed it—tax breaks and star wars.

In summary, Mr. Speaker, Republican leaders shut down the Government twice just so they could increase the deficit by \$40 billion, leaving real deficit reduction to future congresses.

As Forrest Gump said, Mr. Speaker, "stupid is, as stupid does."

THE LIBERAL DEMOCRATS IN THIS HOUSE WERE RESPONSIBLE FOR OUR HUGE DEFICITS, NOT THE REAGAN ADMINISTRATION

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, I want to address the comments of the gentlewoman who just spoke. The Reagan administration was not responsible for those huge deficits. It was this House, the liberal Democrats in this House, who repeatedly served up to that President increasing levels of spending, the creation of new programs and new departments, which President Reagan repeatedly vetoed those appropriations bills, and it resulted in the Government being closed down. Yes; the Government was closed down 17 times during the Reagan and Bush administrations. Why? Because the liberal Democrats in the House wanted to spend more money.

Mr. Speaker, for the first time, we have a House of Representatives that wants to spend less and a liberal Democrat President in the White House who is closing down the Government with his vetoes because he wants to spend more money. We need to set the record straight for the American people. Those deficits that were created in the 1980's were created while Federal revenues to the Treasury increased \$600 billion. It is because this House of Representatives spent \$800 billion more over that time period, creating the hugest deficits this Nation has ever known.

WE MUST INVEST IN EDUCATION, NOT STEAL FROM IT

(Ms. ESHOO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ESHOO. Mr. Speaker, I rise this morning to comment on more than one thing. First, Mr. Speaker, make no mistake about it, I say to the American people, the deficit was increased last night with the vote that was taken.

Something extraordinary happened in the 14th Congressional District, just as something extraordinary happened last night in this Chamber, but it is far more positive. It happened a week ago this last Tuesday, June 2, where the voters of the 14th Congressional District, in community after community, voted and passed four school bond measures.

Mr. Speaker, this is extraordinary, not only for what I said, but in California there is a requirement that there be a two-thirds vote, a two-thirds vote in order to make that happen. So the people of my congressional district, Mr. Speaker, understand that we will end up with many deficits in this country if we do not, in fact, invest in education.

On Sunday, Tomorrow's Leaders Today, in Sunnyvale, CA, graduated 36 young people by investing in their education. Mr. Speaker, take notice from the people of the 14th Congressional District: Education, education, education. Invest in it, do not steal from it.

IT IS TIME TO FIX THE PROBLEMS WITH MEDICAID AND MEDICARE

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, it is interesting to hear our friends on the other side of the aisle talk about an increase in the deficit, where we all know the deficits have been increased, driven by entitlements, Medicaid and Medicare.

Mr. Speaker, sometimes we can stick our heads in the sand or put our hands over our eyes and not see the problems, but I think it also pairs up with a philosophy on this other side of the aisle that big government does better, big government knows more; that we should not let people at home in our States, our elected representatives, our Governors, happen to fashion those Medicare plans or Medicaid plans that fit best in their own States.

Also, Mr. Speaker, somebody putting their hands over their eyes and saying there is not really a problem with Medicare, it is only going to go broke a year or two earlier than we thought it was going to go broke; it is only \$100 billion more in debt than we thought it was going to be last year. That is what the President's own board of trustees said. It is time that somebody fixes it. We should not have this class warfare or geriatric warfare that tries to come from the other side of the aisle.

CLASS WARFARE CREATED BY REPUBLICAN PRIORITIES AND LEGISLATION

(Mr. GEJDENSON asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, class warfare began when the Republicans took control of this House, when they decided it was a higher priority to cut taxes for the wealthiest 1 percent in America and leave seniors and children behind. They want to take seniors and leave them in a position where Medicare will no longer cover their health bills. They will walk in and the Government may pay half, \$10,000 for a hip replacement, and then the senior will be billed the remainder of \$5,000 or \$10,000. They want kids not to be able to get a college education unless they are part of that 1 percent.

Where was the assault on welfare on the other side when corporate welfare was on the table, when subsidies to billionaire corporations and multimillionaire farmers were on the floor? The other side refused to look at their welfare. When it comes to senior citizens and the health care they paid for and the health care they have a right to expect, that is what they want to cut. They have declared war on the classes in this society.

THE BEGINNING OF FILEGATE, AND REQUESTING THE HOUSE OF REPRESENTATIVES TO ACT TO OBTAIN ADDITIONAL FILES

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, I serve on the Committee on Government Reform and Oversight. Members have heard speeches today about filegate. I just wanted to tell my colleagues how this started. This started as a result of our inquiry into travelgate, which was an examination of misuse of the FBI, and also of the IRS, by the White House.

As Members will recall, we asked for the release of documents that we found out about by accident, and we got 1,000 pages. That is how we found out about this. We stopped a contempt proceeding without receiving the other 2,000 pages. I think it is time that we bring that contempt citation back before the House of Representatives and get the rest of the information about this disaster.

Mr. Speaker, I read this matter and I thought I was reading about the KGB, the way this operation took place. I ask the House to immediately take action, and if necessary, enact a contempt citation and obtain this information.

THE HOUSE-PASSED BUDGET RESOLUTION IS INHUMAN TO CHILDREN

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, last night we passed a budget resolution in this House which is predicated on the passage of welfare reform. I sat in the Committee on Ways and Means as we took away the economic security for children and women in this country.

I want to use just the example of the State of Washington. If today every one of the 100,000 people on welfare said, "I am going to quit being shiftless and not caring, and I am going to go down and get a job," they would meet the 173,000 people who are on unemployment in our State. If we count all those people, it is about 200,000 people in the State of Washington today that do not have a job.

Last year we created people 44,000 jobs. Those 44,000 jobs clearly are not going to take care of the 200,000 people who would be standing in line asking for a job. Their children would have no guarantee of food and no guarantee of health care. That budget resolution was inhuman to kids in this country.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: The Committee on Agriculture; the Committee on Commerce; the Committee on Economic and Educational Opportunities; the Committee on Government Reform and Oversight; the Committee on International Relations; the Committee on National Security; the Committee on Resources; the Committee on Transportation and Infrastructure.

It is my understanding that the minority has been consulted and there are no objections to these requests.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

SHIPBUILDING TRADE AGREEMENT ACT

The SPEAKER pro tempore. Pursuant to House Resolution 448 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2754.

□ 1041

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2754) to approve and implement the OECD Shipbuilding Trade Agreement, with Mr. GUTKNECHT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

The gentleman from Texas [Mr. ARCHER], the gentleman from Florida [Mr. GIBBONS], the gentleman from South Carolina [Mr. SPENCE], and the gentleman from California [Mr. DELLUMS] will each be recognized for 15 minutes.

The Chair understands the Committee on Ways and Means will use all its time first.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

Mr. ARCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I must take a moment to commend our colleague, the gentleman from Florida. SAM GIBBONS, for his hard work, leadership, and expertise, not only on this bill but on all of the trade bills that we have worked on together for so many years. SAM, you have been a rock, a solid free trader, and over these years, you have been a real leader in forcing open markets, reducing trade barriers, and thereby creating greater opportunity for all working Americans in the next century. That is what this is all about: economic improvement and opportunity for all American workers.

I realize that this may be the last time that we will be here on the floor together working to achieve freer trade and opportunity for working Americans. I, for one, am going to miss your leadership, your vision, and your expertise, your experience, your unsurpassed knowledge in these trade issues.

Mr. Chairman, I strongly support H.R. 2754 to implement the OECD agreement on shipbuilding negotiated by the administration. It has taken us over 6 years from the beginning of the negotiations to get to this point. We are presented with a unique opportunity to allow U.S. shipyards to compete in a global market without losing out to companies from countries that are only too willing to provide billions of dollars in subsidies.

This is a good agreement that accommodates the priorities of a broad bipartisan cross-section of the House. It adds a new trade remedy to our arsenal for U.S. shipbuilders that are injured by unfair pricing of ships around the world. It preserves our national security interest, and it preserves the Jones Act.

□ 1045

We may continue our Title XI: Loan Guarantee Program, although under the international standards set forth in the agreement. Our trading partners have to give up far more than we do. In fact, our trading partners, many of them have already approved this agreement and others are in the process of approving it and looking to us and what we are going to do today.

There is strong bipartisan support for the agreement. The Committee on

Ways and Means, which has primary jurisdiction, approved it by a vote of 27-4. The administration is strongly in support, as well, because it accurately reflects the negotiated agreement.

I am opposed to the one amendment that will be offered to this bill because it is clearly inconsistent with the agreement. In extending the time period in which we can offer title XI loan guarantees that exceed the terms of the agreement, the amendment would put us in direct violation of the international standards set forth in the agreement.

This amendment is being presented as a compromise because it would keep the current title XI program in effect for only 30 months, yet would not go so far as to maintain the current program indefinitely. But whatever the justification, it represents a clear and unmistakable violation of the agreement. In fact, our trading partners, in a matter of hours after the ink was dry on this amendment, wrote to tell us in no uncertain terms that they view the amendment as violating the agreement.

In implementing this agreement we are hamstrung by the fact that we do not have fast track procedures in place that limit amendments once the legislation has been formally introduced. Nevertheless, we must show our trading partners that we have the ability to implement agreements that are negotiated by representatives of this country.

If we fail to implement the agreement, or if we adopt the amendment which is inconsistent with the agreement, we lose twice. First, we will have lost the considerable opportunity to enable U.S. shipbuilders to reenter the worldwide commercial market and to compete on a level playing field. Second, such an outcome will reflect poorly upon the credibility of the United States.

Ours was the country that initiated the negotiations on behalf of its industry in the first place and was the driving force during the 5-year negotiating process. We must not lose our reputation as a country that is able to implement the agreements that it negotiates and signs. The negotiations must end at the negotiating table and any congressional concern should be taken up at that point. We cannot redo our agreements in the implementation process.

Accordingly, I believe that it is important to the future of our trade goals that we want to accomplish that we implement the agreement cleanly and quickly, without amendment. If Members vote for H.R. 2754 and against the amendment, they can be assured they are voting for faithful implementation of the agreement that the administration negotiated.

Mr. Chairman, I yield the balance of my time for distribution to the gentleman from Illinois [Mr. CRANE].

The CHAIRMAN. Without objection, the Chair will recognize the gentleman from Illinois to control the balance of the time.

There was no objection.

Mr. GIBBONS. Mr. Chairman, I yield myself 3 minutes.

First let me thank the gentleman from Texas [Mr. ARCHER] for his generous comments about my service.

Let me say that the debate here today goes far past this agreement. One of the reasons we have such a difficult time in international agreements is because the rest of the world says to America, "As soon as we agree with you on something, you will unravel it in the ratification process." Let me make it clear that on this agreement, every other nation that is involved has already ratified this agreement and we face a deadline of tomorrow on ratifying this agreement.

I want to talk about the Bateman amendment, with no animosity to the gentleman from Virginia [Mr. BATEMAN] or any of the supporters of his amendment. But the Bateman amendment, if adopted, will kill this agreement. The evidence is in yesterday's RECORD if my colleagues want to read it, all of the signatories of this agreement that said they will back out if we ratify the Bateman amendment, and tomorrow is the deadline.

So this is a crucial historic point for this Congress. Can we enter into an international agreement without unraveling it here on the floor?

The Bateman amendment itself, it adopted, will be ineffective. The Bateman amendment itself hangs on the slim gossamer thread of a standstill arrangement that is in the basic agreement and tomorrow is the deadline on the basic agreement. So if we signify today that we are not going ahead with this agreement as negotiated, the Bateman amendment stands no chance of having any influence upon shipbuilding in America.

The standstill agreement is something that is common to every international agreement. That is, when we sign those agreements, all nations agree to not escalate the practice that we are outlawing.

At best the Bateman amendment will be ineffective. At worst it will kill the agreement. We must vote down the Bateman amendment.

The people that the gentleman from Virginia [Mr. BATEMAN] represents have had some 7 years to adjust to the changes that are coming about. The position he attempts to ratify and move forward is only short-term. On its face it looks reasonable, but there is more at stake than just the reasonableness of the Bateman amendment here. It is the credibility of America in negotiating an international agreement. We cannot negotiate then with anyone. People will refuse to negotiate any agreements with us if we are going to

unravel them here on the floor. That is the issue that is before us today.

Please vote "no" on the Bateman amendment and support this agreement when it comes up for final ratification.

Mr. Chairman, I rise in strong support of H.R. 2754, the OECD Shipbuilding Trade Agreement Act. This legislation would implement under U.S. law an international agreement reached after 5 long years of negotiations carried out by both the Bush and Clinton administrations. The agreement would eliminate the destructive pattern of heavy Government subsidies and chronic predatory pricing that has long characterized the global commercial shipbuilding industry.

H.R. 2754 was favorably reported by the Ways and Means Committee on March 21 by a bipartisan vote of 27 to 4. It was also favorably reported as an amendment in the nature of a substitute by the National Security Committee by voice vote on May 29. Unfortunately, several key provisions of the National Security Committee's version of the legislation are inconsistent with the agreement. These provisions will be offered as a National Security Committee amendment by Mr. BATEMAN. Make no mistake about it, the Bateman amendment, if enacted into law, will kill the agreement.

The administration strongly supports this legislation as does the Shipbuilders Council of America. The Shipbuilders Council includes 17 companies operating 44 shipyards in 13 States across the country. In addition to SCA members, a large coalition of leading shippers, ports, and U.S.-flag operating companies support the agreement, including the American Waterways Shipyard Conference, the American Association of Port Authorities, the American Institute of Merchant Shipping, and the Labor Management Maritime Committee.

THE OECD SHIPBUILDING AGREEMENT ON H.R. 2754—THE KEY ELEMENTS

To give Members an idea of what is contained in the OECD Shipbuilding Agreement and H.R. 2754, I would like to briefly outline the key elements of the agreement and H.R. 2754, which implements that agreement.

Generally speaking, the OECD agreement contains four major elements—

First, the elimination of virtually all subsidies granted either directly to shipbuilders or indirectly through ship operators;

Second, an injurious pricing code designed to prevent dumping in the commercial shipbuilding industry;

Third, a comprehensive discipline on Government financing for exports and domestic ship sales designed to avoid trade-distortive financing; and

Fourth, an effective and binding dispute settlement mechanism.

H.R. 2754 would implement the OECD Shipbuilding Agreement under U.S. law. By enacting H.R. 2754 into law, Congress would approve the agreement and make the necessary statutory changes to conform U.S. law to the agreement.

Title I would establish a new title VIII to the Tariff Act of 1930, as amended, in order to create an injurious-pricing mechanism applicable to commercial shipbuilding, analogous to current U.S. antidumping law.

Title II would eliminate the current 50-percent repair duty for repairs made to U.S.-flag

vessels repaired in a country party to the agreement. Title II would also amend certain provisions of the Merchant Marine Act of 1936 to bring U.S. law into conformity with the agreement. In this regard, title II would amend the operational differential subsidies, capital construction fund, capital reserve fund, and cargo preference programs so that such programs would be available both to U.S.-built vessels as well as to vessels built in countries party to the agreement. Title II would also amend the title XI loan guarantee program to bring its terms into conformity with the agreement.

Title III contains a revenue offset provision in the amount of \$36 million over 5 years by amending the penalty provisions for failure to file a disclosure of exemption for shipping income of foreign persons.

THE BATEMAN AMENDMENT

The Bateman amendment contains those provisions of the National Security-reported bill not included as original text in the version of H.R. 2754 being considered by the House today. I strongly oppose the Bateman amendment because it will effectively kill the OECD agreement. I would like to focus on the two key provisions of the Bateman amendment that are inconsistent with the agreement.

The first inconsistent provision would extend the current title XI loan guarantee program for an additional 30 months. The current title XI program, passed in 1994, provides Government guarantees to finance the purchase of a ship for up to 87.5 percent of the ship's value over 25 years. The agreement, however, only allows financing for up to 80 percent of the ship's value over 12 years. By passing H.R. 2754 without the Bateman amendment, the United States will continue to operate title XI financing on these terms.

Unfortunately, if this provision of the Bateman amendment is enacted into law, it will scuttle the agreement. I have received letters from the chairman of the OECD negotiating group and high level officials from the EU, Japan, and Norway stating that continuation of the current title XI program is inconsistent with the agreement and therefore unacceptable. The administration also objects to this provision. We have had a temporary advantage with the current title XI program because every signatory to the agreement has been operating since the agreement was signed in December 1994 under a standstill, pending ratification of the agreement. If the agreement is not faithfully implemented, our trading partners will match, or better, our current title XI program and go back to providing other subsidies as well.

The second inconsistent provision in the Bateman amendment would be contrary to the section of the agreement the United States negotiated to preserve the home build requirements of the Jones Act. Under the agreement, every country, except the United States, agreed to eliminate their home build requirements for ships operating in the coastwise trades. The United States took a full and permanent exception for the Jones Act, which means that the Jones Act will never be touched by the agreement. In exchange for protecting fully the Jones Act, however, the United States had to agree to a mechanism that would adjust downward, in certain cir-

cumstances, benefits that U.S. shipyards benefiting from the Jones Act would be entitled to under the agreement. Conceptually, the notion is that U.S. shipyards that receive increasing benefits because of exempted Jones Act contracts would be entitled to correspondingly fewer benefits under the provisions of the agreement in order to maintain an overall balance of advantages under the agreement. Given that potential Jones Act contracts are probably less than 1 percent of total worldwide ship tonnage built every year, U.S. shipyards benefiting from the Jones Act would potentially have to give up 1 percent of the international market. This trade-off seemed reasonable in order to fully exempt the Jones Act from the agreement. Unfortunately, the Bateman amendment would unilaterally negate this section of the agreement.

CONCLUSION

Mr. Chairman, the OECD Shipbuilding Agreement took 5 long, hard years of negotiations. It is our best hope for creating a level playing field internationally for our commercial shipbuilders. Without this agreement, we will be back where we started some 15 years ago—with massive subsidies and unfair pricing practices by our trading partners. I strongly urge this House to oppose the Bateman amendment and to vote in favor of H.R. 2754. Nothing less will save this agreement.

Mr. Chairman, I reserve the balance of my time.

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 2754, the Shipbuilding Trade Agreement Act. This legislation would implement the OECD Agreement on Shipbuilding. H.R. 2754, and the agreement it implements, are the culmination of many years of effort to level the playing field worldwide for the shipbuilding industry. I sponsored H.R. 2754, along with my colleagues, Mr. GIBBONS and Ms. DUNN, and Ways and Means favorably reported this legislation by an overwhelming bipartisan vote of 27 to 4. I strongly believe that this agreement will open up trade in shipbuilding for our industry by eliminating virtually all government subsidies and creating equitable terms of competition in the international shipbuilding market for U.S. shipbuilders. The agreement represents the best chance that our industry has to compete on a worldwide basis without having to contend with the huge subsidies offered by other governments to their shipbuilding industries.

In addition, the agreement and implementing bill would provide a new remedy to U.S. shipyards that have been injured by unfair pricing. Unless this legislation is passed, our shipyards will not have access to this valuable remedy, which would force offending shipyards to pay a charge in the amount of injurious pricing or face significant trade restrictions.

Of course, any international agreement must be fair and balanced, and I personally took care to assure that the agreement is truly symmetrical and

that no special deals were cut to the detriment of the U.S. shipping industry. Any subsidies that are grandfathered under the agreement are limited and mainly in the form of worker assistance related to reducing capacity within these countries. Of course, capacity reduction benefits shipbuilding industries worldwide.

You will hear debate today that we should not cut back our title XI loan guarantee program to conform to the agreement because it would take away the one subsidy that our shipyards have. Do not be misled by this argument. If we do not implement this agreement out of fear of having to scale back on our title XI and other programs, we will permit our trading partners to increase the level of subsidies that they provide to their industries to a level far beyond any U.S. subsidies—and the U.S. industry will not be able to compete under those circumstances. The simple fact is that it is highly unlikely that Congress will vote to increase subsidies for the U.S. shipbuilding industry to make it more competitive with highly subsidized foreign shipyards. As a result, the only way our industry can be competitive is to force its competitors to give up their subsidies and their ability to engage in unfair pricing practices. That is precisely what this agreement does.

You will also hear debate today that we should simply reject the agreement we have and return to the negotiating table in an attempt to cut an even better deal for our industry. This argument is misguided as well. The agreement took 5 years to conclude and was the product of hard bargaining and concessions on all sides. Our trading partners are giving up billions of dollars in subsidies. The biggest change that we have to make is to change the terms of our loan guarantee program. Our trading partners have told us that if we do not implement this agreement in a timely manner, support for the agreement in their countries will erode and vanish. In fact, I have letters from the European Community, Japan, Norway, and the OECD itself stating that renegotiating the agreement is simply impossible. If we fail, we will return to the days when the foreign industries are heavily subsidized but the U.S. industry is not.

You will also hear that this bill forces us to eliminate our title XI program in order to comply with the agreement. That is not the case. We are able to retain title XI, although we have to scale it back to meet the agreement requirements, just as every other signatory must do. We can even maintain the same funding levels as we currently have.

Opponents to the agreement are raising the specter that our national defense is somehow at risk unless we adopt the amendment. That is simply untrue. The agreement itself contains

an exception that allows a government to back away if it believes its national security interests are at stake. The Department of Defense has also sent us a letter stating, and I quote, that "the agreement will not adversely affect our national security." Mr. Chairman, if our own Defense Department can make such a bold statement, it is powerful evidence that the agreement does not threaten our national security.

Mr. Chairman, the shipbuilding agreement represents a good deal. In an effort to save our shipbuilding industry and in the spirit of bipartisanship, I urge my colleagues to vote for H.R. 2754.

Mr. Chairman, I reserve the balance of my time.

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. McDERMOTT].

Mr. McDERMOTT. Mr. Chairman, I rise in support of H.R. 2754, the Shipbuilding Trade Agreement Act, and in opposition to the Bateman amendment.

I think the chairman and the ranking member have made the arguments, but I think it is important to say that this implements under U.S. law an international agreement that sets out the most effective subsidy discipline ever included as part of a multilateral trade agreement. It also creates under U.S. law an unfair pricing remedy similar to our antidumping laws for ships engaged in international trade.

Mr. Chairman, this bill is unique. It has bipartisan support both from the Bush and the Clinton administrations and from the Democrats and the Republicans in the House of Representatives. Supporters of this legislation include a diverse coalition of maritime interests in this country, including the Shipbuilders Council whose membership includes 17 companies operating 44 shipyards in 13 States. This agreement will create the necessary conditions for our commercial shipyards to begin to compete once again in the world shipbuilding industry. Foreign subsidies have completely forced U.S. shipbuilders out of the international market to the point that today U.S. yards have less than 1 percent of the world market. The Bateman amendment is inconsistent with the agreement and will kill it and should be rejected. If we do not pass H.R. 2754, we will be back to where we were in the 1980's. Our trading partners will continue their subsidizing ways and we will continue to engage in predatory pricing practices with impunity.

Mr. Chairman, I urge my colleagues to reject the Bateman amendment and pass H.R. 2754.

Mr. CRANE. Mr. Chairman, I reserve the balance of my time.

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Chairman, I rise in support of H.R. 2754, in opposition to

the Bateman amendment, and also to thank SAM GIBBONS who for so many years has been active in these very sensitive negotiations which involve not just shipbuilding today but shipbuilding tomorrow.

□ 1100

We are all pleased that America now is going into an era of peace, that we are moving swiftly from defense into commercial shipping, and that we now are going to have to make certain that we can have a plane, an equal, a flat playing field as we move forward in economic competition with other shipbuilders, and that is exactly what this agreement has done.

It prevents other countries from manufacturing, making ships, and dumping them on our markets for less than the price that they actually paid for it. It really sets the rules for all of the countries that have sat down and realized that there are pluses and minuses in every agreement. The subsidies that we have now, sure, we can continue those, which are higher than other countries, but that does not mean that other countries cannot change if there is no agreement and put in for deeper subsidies.

So what we are talking about is a war between which country is prepared to subsidize this industry more than the other. We know that we have the expertise, we have the ability to excel, and all we ask is that other governments play by the same rules.

It took 5 years for the Bush administration, the Clinton administration, and for other countries to try to figure out what is in their best interests, and that is what international treaties are all about. It means that those who have an advantage now will not have that advantage next year.

So I think that after all of these years, we cannot have America say, yes, we agree; yes, we spent time at the table; but here again we find some people that believe that they got a little edge now but are not looking at the long picture as to where America will be if we do not restrict other countries from depending on subsidies and allow us to depend on our expertise, our experience, our high-technology, and know that those people, whether they are in military vessels or not can succeed in a fair market.

Mr. CARDIN. Mr. Chairman, I rise in strong support of H.R. 2754 and against the Bateman amendment, which would basically defeat the bill.

First, I really want to compliment the gentleman from Florida, Congressman GIBBONS, for the work that he has done for so many years to bring us to this point by bringing forward legislation in this Chamber that have brought our European friends to the table so that we could enter into this agreement. We are here today because of his good work and we all appreciate that very much.

Mr. Chairman, the Port of Baltimore was once a great center for commercial shipbuilding. During the Second World War we were producing the Liberty ships after just a few days of work. We had many commercial shipyards located in the harbor area of Baltimore. Well, today, we have one major commercial shipbuilding yard that remains, and that yard basically competes for repair work.

The reason why Baltimore lost its shipbuilding was not because it was inefficient; it lost its shipbuilding because of international subsidies. Other countries were willing to put up tremendous subsidies for their shipbuilding and we in this Nation thought that was wrong and we protested and protested, but the jobs were lost in this country.

If we can return to an even playing field, remove the international subsidies, we can compete. We are finding commercial shipbuilding coming back in this Nation, but it will only come back if we remove the international subsidies. We cannot outcompete the Europeans and Korea and Japan in the amount of subsidies that they will put forward to their shipbuilding. We want a level playing field. This bill gives us that level playing field.

If the Bateman amendment is adopted, we have lost this opportunity to eliminate the international subsidies in this area. Let our communities rebuild commercial shipbuilding. Support this legislation and vote against the Bateman amendment.

Mr. CRANE. Mr. Chairman, I yield 2 minutes for purposes of control to the gentleman from Florida [Mr. GIBBONS].

The CHAIRMAN. Without objection, the gentleman from Florida [Mr. GIBBONS] will control 2 additional minutes. There was no objection.

Mr. GIBBONS. Mr. Chairman, I thank the gentleman for yielding me that time, and I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Chairman, I thank the distinguished chairman of the subcommittee and to the ranking member of the Committee on Ways and Means for yielding me this time.

Mr. Chairman, I just want to say a couple of words on this bill in favor of it and against the proposed amendment. This is not a perfect solution, but I think it is clear it is the best we are going to be able to do under these circumstances, and the alternatives, really, are quite a bit worse, unraveling this entire structure.

I mainly want to focus on a provision that has received very little attention and it relates to what is called injurious pricing mechanisms. We have fought long and hard in international agreements to make sure that there are some strong antidumping provisions.

These provisions are most beneficial to companies in the United States and

their workers because it is the United States which has been the place where other countries have tried to dump. We have had open markets, and other countries have tried to take advantage of that.

This bill incorporates, in essence, the work that we have been doing all these years to try to have a strong antidumping regimen. And as I said, in this case, it is framed somewhat differently because we are talking about ships, but the thrust of it is the same under the terminology "injurious pricing mechanism."

So this is a step forward. It is the best we can do, and it is surrounded by provisions that will try to prevent other countries injuring our shipbuilding by essentially dumping or undercutting through unfair price mechanisms.

Mr. Chairman, I urge support of the bill and opposition to the amendment.

Mr. GIBBONS. Mr. Chairman, I yield myself 1 minute.

I regret that the debate is arranged such as it is today because I would like to have had the gentleman from Virginia [Mr. BATEMAN] and others participate in this debate so that we could respond to issues that are bound to be raised. So let me raise some of the issues.

First of all, they will say that this agreement does not play fairly with the United States. The United States had no subsidies or practically had no subsidies when we entered into this agreement. In 1981, here on this floor in the Gramm-Latta amendment, we abolished practically all the subsidies that could be found. One little subsidy slipped through, that is the title XI subsidy. It just was not seen and was not operative at that time, and we did not take any advantage of it.

Because of the standstill arrangement in this agreement, we were able to exploit the title XI subsidy and some small contracts were garnered by some of the big navy yards in this country. But the big navy yards are not really the huge commercial builders in this country. They represent a very small part of the commercial capacity. The commercial capacity and the Navy capacity is really somewhat different because of specialization of labor and work.

So we face it today. The gentleman from Virginia [Mr. BATEMAN] is trying to defend his big Navy yard. I do not blame him; I would too if I had one of those things. But most of the commercial shipbuilders are in non-Navy yards and they are the ones that will profit, along with the yard that the gentleman from Virginia represents. It will also profit from all of this arrangement if we can get it into position.

The problem is we have delayed so long, because of the legislative process in Congress, getting this matter to the floor, all the other nations have al-

ready ratified the agreement. We have had to seek extension, and our extension runs out tomorrow, and this agreement is in the best interest of the greatest number of Americans. We are having to give up very little.

The gentleman from Virginia [Mr. BATEMAN] only wants to extend his slight preference for another 30 months. Sounds reasonable on its face. The only trouble is the other nations of the world just do not trust us. Every time we bring agreements to the floor for ratification, we have to bring them under a fast track procedure or they will unravel here on the floor.

This agreement was not brought back under a fast track arrangement and, therefore, it is being unraveled on the floor by what looks like harmless little amendments, and that is what the issue is here today.

All of the industrialized nations that build ships have already served notice on us in writing that if we adopt the Bateman amendment today this agreement is dead. Let me repeat that. All of the other signatories to this pact have agreed to this proposal, and they have served notice on us in writing that if we agree to the Bateman amendment this whole agreement is dead.

We do not have any choice. And it would not be a good choice anyway, because if the Bateman amendment ever becomes law the standstill arrangement that is in this pact will have expired and other nations can meet or match or better the Bateman subsidies. It will not work.

Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. STUDDS] for a colloquy.

Mr. STUDDS. Mr. Chairman, I want to engage the manager of the bill, the distinguished gentleman from Illinois [Mr. CRANE], for one moment.

When the agreement was negotiated, it was agreed that U.S. shipbuilders would have a full 3 years to deliver vessels financed with favorable lending terms under title XI. This is critical to many of our shipyards, including one in my district. Since we are late in passing implementing legislation, some have suggested our yards will have only 2 or 2.5 years to deliver the vessels.

I know the U.S. Trade Representative has taken steps to make sure that our yards have a full 3 years from the effective date of the agreement to deliver the so-called subsidized vessels. I wanted to confirm that this is the understanding of the gentleman from Illinois and that he can give us his assurance that he will do everything he can to ensure U.S. yards have the 3-year delivery window.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, my understanding is if before July 15 this

were to occur, that it would be in order, but that ultimately is an administration decision, and I have no input whatsoever that they would have any objections to that.

Mr. STUDDS. I appreciate that.

My second point is MarAd has a number of title XI applications in the pipeline, ones submitted many months ago and are substantially completed. Is it the gentleman's understanding that MarAd will be allowed to offer the favorable terms, depending on title XI applications which are substantially complete, and to work with me to ensure that applications, such as that from the Quincy shipyard, are eligible for the favorable terms before the agreement enters into effect?

Mr. CRANE. That is my understanding. As I say, it would be an administration interpretation, but I do not think there would be a problem.

Mr. STUDDS. Mr. Chairman, I thank the gentleman, and I thank the gentleman from Florida for the time.

Mr. CRANE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The time of the gentleman from Florida [Mr. GIBBONS] has expired; the gentleman from Illinois [Mr. CRANE] yields back the balance of his time.

The gentleman from South Carolina [Mr. SPENCE] will be recognized for 15 minutes and the gentleman from California [Mr. DELLUMS] will be recognized for 15 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

Mr. Chairman, I yield myself such time as I may consume.

Mr. SPENCE. Mr. Chairman, now it is time to hear the other side of the story. Today I rise to express my support not for the OECD shipbuilding trade agreement, or H.R. 2754, but for the amendment that will be offered by my colleague, the gentleman from Virginia [Mr. BATEMAN].

H.R. 2754, the Shipbuilding Trade Agreement Act, would implement the Organization for Economic Cooperation and Development, or OECD, agreement on shipbuilding. This agreement, which was signed in December 1994 by the United States and other major shipbuilding countries, eliminates most shipbuilding subsidies provided by signatory countries to their shipbuilding industry or ship operators.

□ 1115

The OECD agreement also includes provisions designed to eliminate anti-competitive pricing practices which would have allowed some countries to sell ships on the open market at unfairly low prices.

Many Members of the House, and certainly the Committee on National Security, consider the base bill to be seriously flawed. Many believe that the agreement negotiated by the administration contains loopholes that will

allow foreign shipyards to continue to receive subsidies, while we will have abolished our successful loan guarantee program for struggling U.S. shipbuilders.

Many believe that the OECD agreement does not give America's major shipyards, most of which have primarily been in the business of building U.S. Navy ships, sufficient time to transition from military to commercial work.

Still others are concerned that the agreement will adversely affect the Jones Act and could prevent shipyards from building vessels for domestic shipping without penalty.

Finally, many are concerned that the existing OECD agreement does not allow the United States adequate flexibility to protect its national security interests and to exempt from the agreement ships that serve military purposes. In short, many Members believe that the agreement negotiated by the administration is seriously flawed.

The Bateman amendment, which was agreed to in the Committee on National Security and enjoys strong bipartisan support, attempts to correct many of the flaws I have described. In the debate ahead, the gentleman from Virginia [Mr. BATEMAN] and others will address the constructive fixes his amendment proposes for the title XI program, the Jones Act, and important definitional issues. It is an important amendment that deserves Members' attention and support.

Suffice it to say, Mr. Chairman, H.R. 2754 is a flawed bill that would implement an imperfect agreement. Regardless of how Members feel about voting on final passage of this bill, I strongly encourage my colleagues to vote in favor of the Bateman amendment, which goes a long way toward protecting our national security interests.

Mr. Chairman, I ask unanimous consent that I be permitted to yield the remainder of my general debate time to the gentleman from Virginia [Mr. BATEMAN] and that he be permitted to manage and control such debate time.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DELLUMS. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, I too join the gentleman from Florida in his concern with respect to the nature of this process. We were told that the Committee on Ways and Means wanted to exercise their option to debate on this matter for the first 30 minutes, otherwise this gentleman would have been more than willing to engage in significant debate because I think this is an important issue.

Obviously, the bill before us is designed to put the Congress in the position to ratify an agreement, the purpose of which is to end subsidies, Gov-

ernment subsidies, in the shipbuilding industry across the world.

There have been great allusions to the amendment that will be offered by the gentleman from Virginia [Mr. BATEMAN]. They have suggested that in offering the amendment, the ratification of this amendment would kill the agreement. Let us step back for a moment.

First of all, we believe that what we are being asked to agree to is a flawed agreement. Congress does, indeed, have a role in this process to ratify. Are we simply rubber stamps, or do we have the option to exercise our intellectual and political responsibilities in this matter? If we do, then it seems to me that it is perfectly within our right and prerogatives to offer an amendment. Now, that is the nature of the process, otherwise why have the agreement here?

We think that it is indeed flawed. The stakeholders in this issue, the workers, the union people, the shipbuilders looked at this agreement and said long term they agree with the purpose. But the problem with this agreement is in the transition. We believe that the U.S. shipbuilders have been grossly disadvantaged.

Now, we believe that in offering this amendment and accepting this amendment, it would be not unlike many other exceptions and exemptions from other countries, and I will point them out in a moment. If we pass it, they will simply go back with the exception, exemption, and renegotiate, because it is in the world's collective interest to stop subsidies. Other countries, other governments do not wish to continue. That is the imperative. That is the self-interest that will drive everyone back.

Now, are we doing something different, Mr. Chairman, than any other country? Example: Foreign governments were granted the following subsidy packages and the authority to continue paying out existing subsidies for ships delivered up until January 1, 1999: Spain, \$1.4 billion in restructuring aid; Portugal, \$110 million in restructuring aid; Belgium, \$74 million in restructuring aid; South Korea, restructuring aid amount unknown, but based on information we have received it includes the \$750 million plus government bailout of Daewoo Shipyard begun in 1990.

With respect to France, unknown at this time in terms of the overall amount, but special offers are currently being made by other Members of the European Community to gain France's support for the agreement; minimally, \$480 million. Germany: Germany has a package for exemption. Germany's package to modernize, restructure and cover the loss of the shipyards in former East Germany, we believe that that figure adds up to approximately \$4 billion.

So, what the United States is asking in comparison to these other countries, they went back in, Mr. Chairman, and renegotiated these exceptions and these exemptions. Title XI did not just happen; it just did not sneak in through the back-door. The distinguished gentleman from Mississippi [Mr. TAYLOR] and this gentleman, during the time when this party was in control of the Congress, put \$50 million in loan guarantees in title XI because we saw that we cannot specialize in these shipyards because not enough work is being done.

So we took DOD money, put it into loan guarantees, leveraged it. Do my colleagues know what happened? Shipbuilding began on a commercial level in this country unprecedented in the last one or two decades.

Now, Mr. Chairman, we are simply saying that we would like to be on a level playing field. Ultimately, let us end all subsidies, but in the transition give us the opportunity to make the transition correctly. Leave title XI in for 3 years. That simply puts us on a level playing field, not only at the end of the day but in the transition period.

Now, we need to understand Mr. Chairman, 90 percent of the American workers in this country work in the top six shipyards in America. So if my colleagues care about working-class people, if they care about the working people in this country, they work in the top six yards in America.

There is no such thing anymore as specialized shipbuilding. We do not do as much. At one point we were moving toward a 600-ship Navy. The cold war is over, the military budget is coming down, and we are battling over how fast and how deep that it does come down. Shipbuilding is coming down in terms of military activity, so where do we have to balance that out? With commercial development.

We simply say at the end of the day, my conclusion is this. We are simply asking for what other signatories went in and renegotiated. This is not going to kill this agreement. It is in everybody's interest to get to the table.

We are simply saying let us not be fools. Let us go in intelligently, with our self-interest involved, and let us make this decision here. That is what our responsibility is. We have a fiduciary responsibility to the American people. Let us carry it out. If the other countries do not particularly like this, then let us ask them, "Why did you ratify these other exceptions?" They will not do it. They will come back to the table because it is in their self-interest.

Mr. Chairman, I hope my colleagues will support the Bateman amendment. Without it, it seems that this agreement is not supportable.

Mr. Chairman, I reserve the balance of my time.

Mr. BATEMAN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I would like to first associate myself with the splendid remarks of the gentleman from California [Mr. DELLUMS], who I think has very well articulated what is before the House today. Let me say, in order to try and reinforce and to place this debate in context, that I heard today that the amendments which I will offer are reasonable and they are modest, and yet I am told that we will unravel the agreement if this House, in pursuit of what it conceives to be sound public policy for the United States of America, were to adopt those amendments.

This presumably is a meaningful process. If this agreement is flawed, and I put it to my colleagues that it is very seriously flawed, then we should not approve it and implement it.

Mr. Chairman, I am not asking this House to reject this amendment. I am asking this House to adopt amendments which would remove the flaws and the warps from this agreement so that it at least is arguably in the best interest of the people of the United States and our national security.

To do less, Mr. Chairman, would in my view be an abdication of our responsibility. Much has been said about how long this agreement was in process of negotiation. I think there is something that needs to be said about that.

During the course of the Bush administration, no agreement could be struck, and the reason it could not be struck is because there was an insistence on the part of this country that we protect and preserve the Jones Act for our domestic internal trade.

This agreement does not protect the Jones Act, as least according to all of the people who have said my amendment undermines the agreement, because we make it explicit by my amendment that the Jones Act shall not be affected because that is what the U.S. Trade Representative told us.

But now even they are saying the Bateman amendment, by making it explicit that the Jones Act will be protected, is going to unravel the agreement. This is not a treaty or an agreement that I think has been dealt with very uprightly in terms of what it does and does not include. Clearly, we should insist through my amendment that we preserve the Jones Act inviolate.

To say that we should have no interim transition provisions protecting our shipbuilding is, I think, again a terrible mistake, especially when we look at it in the context that has been pointed out, that numerous other parties who are signatories to this agreement were taken care of by transition provisions for their shipyards while we have none.

Our trade representative came back after he signed this agreement in December and admitted to me that they

had not even sought any transition provisions for this country's shipbuilders, even though the other parties to this agreement had been subsidized to the tune of as much as \$8 billion a year when we were not subsidizing at all, and yet they sought no concession or transition provision for American shipbuilders.

Mr. Chairman, that is why this agreement is flawed. That is why it needs the amendments.

Mr. Chairman, I reserve the balance of my time.

Mr. BATEMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. QUILLEN].

Mr. QUILLEN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the National Security Committee amendment to H.R. 2754. The amendment offered by the National Security Committee will mitigate the damage this shipbuilding trade agreement will have on our national security interests and our defense shipbuilding industrial base. No commercial trade agreement should place restrictions on our domestic Jones Act trade. The Jones Act fleet and the industrial base sustained through construction of ships for this trade is an essential arm of our military in a contingency.

During the Gulf war, shipyards worked around the clock to activate moth-balled ships to transport our tanks and helicopters to our forward deployed troops, and the mariners who operated our Jones Act fleet in peacetime were called upon to crew these military reserve vessels. The Department of Defense has stated that the Jones Act is essential to our national security interests. The House National Security Committee amendment will ensure that the Jones Act ship construction and operating requirement is not jeopardized by this agreement.

It will also clarify that noncombatant military auxiliary and sealift ships are not covered by this agreement. No commercial trade agreement should restrict the U.S. Department of Defense from procuring surge and prepositioning sealift ships needed to meet our Army and Marine Corps requirements. This was not the intent of these negotiations; however, this will be the case unless the National Security Committee amendment is passed.

I also support the 30-month extension of our title XI ship loan guarantee program which has enabled our navy shipbuilders to transition back into the business of building large ocean-going commercial ships. This commercial work has created 4,000 jobs in our shipyards, and helped to sustain our critical Navy shipbuilding base during a historical low in Navy shipbuilding orders. This limited extension of title XI is very modest compared to the 3- and 4-year transition subsidies granted to

foreign signatories of this trade agreement—subsidies above and beyond their already massive subsidies.

I urge my colleagues to vote for the National Security Committee amendment.

□ 1130

The CHAIRMAN. The Chair advises that the gentleman from Virginia [Mr. BATEMAN] has 5½ minutes remaining, and the gentleman from California [Mr. DELLUMS] has 8 minutes remaining.

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Chairman, I thank the distinguished Member for yielding the time.

No one comes here to increase the deficit. No one comes here to dismantle America's might. But just last night, the new majority voted for a budget for the next 2 years that increases the annual operating deficit and in turn the national debt. Today we are going to have a choice of whether or not we are going to dismantle America's industrial might. I have to my left, and I hope the television camera can show this, one of the 66 jewels of America's industrial might. It is so huge that this 990-foot warship appears to be but a toy when compared to that overall industrial facility. It is called Ingalls Shipbuilding and is one of the six remaining shipyards in America that build ships to defend our country.

This agreement would preclude any chance Ingalls Shipbuilding ever has of in the long run staying in business. And that is what it comes down to. You see, as mentioned before, during the Reagan years there was talk of a 600-ship Navy and therefore people like Ingalls and Newport News would have plenty of work building those ships. We are now looking at a 150-ship Navy, which means there is not work for all six of them. If we do not find commercial work for those yards, they will simply go out of business. Why is that important?

This island nation during World War II had to build 16,000 ships to save itself from Japan and Nazi Germany. We are now down to what will be in the near future a 150-ship fleet so, if we lose our ability in the meantime between wars to do some commercial work, those yards will not be around. If you had to start this yard from scratch, you would have to find \$800 million. That just is not going to happen.

So why is the agreement bad? The agreement is bad because we are counting on about 20 other nations to quit subsidizing their yards unilaterally. It is not going to happen. It has not happened. Even today in the Journal of Commerce, here is the story, that the Danes, even before the ink on this agreement is dry, are already cheating on this agreement. The reason the

Danes say that they are cheating is because the Germans are cheating.

So we are being asked by the Committee on Ways and Means to unilaterally disarm, to give away the ability of our Nation to defend itself in future wars. So the Committee on Ways and Means can proudly proclaim that they have passed another failed trade agreement. May I remind them of their tremendous success of NAFTA? May I invite the Committee on Ways and Means to come to Lucedale, MS, or to Hattiesburg, MS, or Poplarville, MS, and go to the cattle auction and see the cattlemen who cry because they are selling their calves for one-half of the price that they were just 3 years ago before NAFTA. Or maybe once again to go to Lumberton, MS, or Poplarville, MS or Wiggins, MS or Neely, MS, or Gulfport, MS and visit the empty garment plants where thousands of people have been laid off as a direct result of NAFTA. In Neely, MS, when you lose your job, job retraining does not matter because there is no other factory in Neely, MS. The only business in town shut down.

So based on the success of NAFTA and our ability to pass an agreement that hurts only us and helps only our competitors, we want to do this again, except this time we want to do it with regard to national defense. We want to take the magnificent machine built up over the course of the past century, first by Democrats like FDR and later by Republicans like Ronald Reagan and George Bush, and we want to put it out of business so that when the next war comes we will not have a yard. And maybe if we are lucky, the Germans will sell us a ship. Maybe if we are lucky the Japanese will sell us a ship. But maybe if we are not lucky, they will be on the other side. Then what do we do?

The great powers of the world have always been great manufacturers, and they have been great maritime powers. Those two things go hand in hand during the course of recorded history. With NAFTA, we have given away a lot of our manufacturing might. With this agreement, they are trying to give away our maritime might, what is left of it, and our ability to get back in the business.

Title XI works. It is a loan guarantee program that works. We are building ships in this country, and now they are saying, let us take it away. The gentleman from Virginia [Mr. BATEMAN] is saying, let us slow that down a little bit.

I encourage Members to vote for the Bateman amendment. At the very least it will slow it down a little bit. And then I encourage Members to vote against this entire agreement because we do not need to give up our sovereignty to 20 other countries to tell us where and when we can invest in the industrial might of this Nation.

Mr. BATEMAN. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I want to thank the distinguished gentleman from Virginia for yielding to me. I want to note to my colleagues in the full committee and all the Members that this is one of those occasions, as you can see with respect to this substitute amendment, there is solidarity in the Committee on National Security, on the Democrat side, on the Republican side, on all shades of the political spectrum. This is the reason: No matter how much we disagree about weapons systems and about strategies and about budget numbers, we all agree on one thing, one fact that comes home to us every time we have a conflict. When we move out to project American power, we carry that power, whether it is marines or soldiers or ammunition or aircraft and all the logistics that you have to take to a foreign place to fight a war on ships.

In Desert Storm we carried 95 percent of our war materiel on ships, not on airplanes, and everybody knows that. The gentleman from California [Mr. DELLUMS] knows that. The gentleman from South Carolina [Mr. SPENCE] knows that. Every member of the committee knows that. Every Member of the House knows that. With respect to our ability to move to change this amendment, all of our allies know that. All of the signatories of this agreement know that.

South Korea is not going to complain because we want to maintain our shipbuilding base. South Korea exists because we had a shipbuilding base. We saved them as the North Koreans were driving down the Korean Peninsula and the Chinese shortly thereafter because we were able to move an American blocking force in there, hold the line and gradually push it back.

Our European allies are not going to complain because two times in this century we have saved Europe with American ships carrying American personnel and war materiel. Our allies who depended on the lifeline in the Gulf war understand that, while we had to rely on rent-a-ships in that case, 95 percent of the American equipment that was carried to that war was carried on ships.

Now, this bill, if it is not amended by the national security substitute, is going to do some bad things because theoretically it excludes military construction but it reserves for foreign judges the definition of what is a military program. It warns us against "disguising commercial shipbuilding in military programs." That means somebody else is going to be interpreting what is an American military program.

Is a prepositioning ship an American military program or just another way to have commercial cargo or to have logistics that you might be taking on a

rent-a-ship? Is that an American military program? In the WTO we are now seeing these decisions come home where they have enforced Brazil's right to send dirty gas into the United States because foreign judges have said American environmental laws are invalid. We have seen the problem with giving to foreign judges the right to arbitrate and to determine what is an American military program.

Let me urge all of my colleagues to support the national security position on this and vote against the full bill on final passage.

Mr. DELLUMS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] is recognized for 4 minutes.

Mr. DELLUMS. Mr. Chairman, the bill, H.R. 2754, provides the Congress of the United States with the opportunity to ratify an agreement, the purpose of which is to end government subsidies in shipbuilding. I believe that it is in the interest of the shipbuilding industry and in the interest of the American worker and ultimately the American people that we ratify a treaty, the purpose of which is to end Government subsidies. That is indeed in our interest.

I would like to take this opportunity to applaud the gentleman from Florida [Mr. GIBBONS], who has perhaps beyond any other Member of this body worked tirelessly to get such an agreement because he had the wisdom and the vision to understand that it is indeed in the interest of the United States to end Government subsidy. For that, I applaud the gentleman. I am one of the gentleman's greatest fans.

My point of departure today with my distinguished colleague is very simple and very straightforward. I believe that the agreement is flawed in its transition implications. We are simply saying that we need to put the United States in a better position in this transition period, as we move from a heavy reliance on military dollars, building hundreds of military ships, to building commercial ships.

As I look at the experience around this agreement, I have come to the startling realization but the comforting realization that other countries saw problems in the transition and sought exemptions and exceptions prior to signing the agreement that would allow them to step forward and then sign the agreement.

I believe that the notion that if the Bateman amendment passed that it would kill the agreement is hyperbole. But I have been here going on 26 years, and I know how we can engage in hyperbole in this institution. The amendment will kill the bill. But that is hyperbole, and I love the Members that say it, but we often practice overstatement and hyperbole.

You have to be bright enough to cut through the weed and get to the real

issue. It is not going to kill this agreement, because it is in the world's collective interest to end government subsidies. That imperative and that imperative alone will drive everybody back to the table.

If we pass this agreement, the world is not going to step back and say, well, you guys are going to do this, I am going to spend \$2 billion a year subsidizing shipbuilding. That is bizarre, extreme and absurd. What they will do is sit down and try to work it out. That is all we are simply saying.

□ 1145

Finally, as I said in my opening remarks, if the Congress did not have any role, then why are we here to ratify it? And I think our role should go beyond simply rubber stamping when we believe substantively, economically, politically and intellectually that there is something wrong with the agreement. Working people in this country looked at it and said it is flawed in the transition. Shipbuilding people looked at it and said it is flawed in its transition. These are two major stakeholders who believe ultimately that we ought to end government subsidy.

So we stepped up to the plate and said, "Let's correct it, let's clarify on the Jones Act, let's clarify some boilerplate language with respect to national security issues."

That is all this amendment does. I urge my colleagues to listen carefully to the debate around the Bateman amendment, not be guided by hyperbole and overstatement, and look at the facts, and I believe that they will come to the conclusion that we are correct. Adopt the Bateman amendment, and go forward to pass H.R. 2754, as amended.

Mr. BATEMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Maine [Mr. LONGLEY].

Mr. LONGLEY. Mr. Chairman, the reason we are debating these amendments to this trade agreement today is that we are seeking at least some element of fairness to our shipbuilders. The reason we are debating these amendments is that we believe it is important to maintain these critical manufacturing jobs that shipbuilding and the supplier base provides. The reason we are debating these amendments is that many of us fear this trade agreement will be like so many before it—one that is unfair to the United States and that will send these jobs to other countries.

But let us not lose sight of the most important reason we are debating these amendments: and that is, that we are concerned about the national security of this country. You see, we have gotten to the point where the shipbuilding industrial base that embodies the critical skills and facilities needed to produce our Navy's ships has shrunk

to just six shipyards and 70,000 employees. These same shipyards are the ones that have historically produced most of the large, oceangoing ships built in this country for both our domestic and international trades. Commercial shipbuilding has always been essential to helping level out the valleys when the government's purchase of ships has declined.

We are at this very moment considering Navy shipbuilding budgets that are the lowest in over 40 years! And while the Congress is attempting to increase that level slightly, the numbers of ships being ordered by the Navy are simply not sufficient to sustain the bare minimum shipbuilding base we now have. And if we are going to even come close to maintaining the 346-ship Navy that forms the basis of our current warfighting strategy, we are going to ask these same shipbuilders a few years from now to increase their rate of shipbuilding to two to three times what it is today.

Even with these amendments, we are perilously close to signing away our capability to ensure economic and national security through our shipbuilding industrial base.

I urge my colleagues to join me in voting for jobs and for national security. Vote for the National Security Committee amendments.

Mr. BATEMAN. Mr. Chairman, I yield myself the 30 seconds remaining only to remind the Members of the House that the six major shipyards who are diametrically opposed to this agreement in its present form represent 300,000 jobs at their shipyards and in the companies that service and work with them. This is over 90 percent of all the workers engaged in ship construction in the United States, and these shipyards build 98 percent of all ships for the United States Navy. We are speaking not just for those shipyards, but for all of the unions and the workers who are employed in those shipyards and for whom my amendments to this bill are extremely significant and are very intensely supported by those people.

Mr. BLILEY. Mr. Chairman, I rise in support of the efforts of the gentleman from Virginia [Mr. BATEMAN] regarding our Nation's shipbuilding industrial base by ensuring that industry's success in its endeavor to participate in commercial shipbuilding on the international level. I speak on this matter to support my colleague, and to note my interest as chairman of the Committee on Commerce in the issue of dumping.

In support of my colleague, I signed a letter delineating the problem created by the OECD Shipbuilding Agreement that H.R. 2754 would implement. The agreement fails to remedy the historical advantage foreign shipbuilders have maintained over the U.S. shipbuilding industry through government subsidies. Although the agreement does eliminate certain aspects of foreign government subsidies, it still does not place U.S. shipbuilders on equal footing with

foreign shipbuilders in the international market. Therefore, I support Mr. BATEMAN's efforts to create an even playing field.

My interest in the matter as chairman of the Committee on Commerce stems from my committee's extensive work in the area of trade. H.R. 2754 would add a new title, "Title VIII—Injurious Pricing and Countermeasures Relating to Shipbuilding" to the Tariff Act of 1930. The new title VIII would provide a mechanism, tailored to the unique situation of the shipbuilding industry, to address concerns regarding the practice of dumping—selling goods, in this case ships, for less than their fair value.

Without recounting the lengthy history of my committee's work in the area of trade, I will point out just a few previous legislative initiatives—focusing on the 100th Congress—that addressed dumping. During the 100th Congress, at least four trade measures considered by the Commerce Committee were incorporated into the Omnibus Trade Reform Act of 1988. Although other measures included provisions on the issue of dumping, H.R. 268—notably—addressed only the issue of dumping. Through that measure, my committee and others sought to amend the Tariff Act of 1930 "to provide private remedies for injury caused by unfair foreign competition and violations of certain customs fraud provisions."

Just as H.R. 268 establishes remedies where an article "is imported or sold within the United States at a United States price which is less than the foreign market value or constructed value of such article," H.R. 2754 provides for remedies where "a foreign vessel has been sold directly or indirectly to one or more United States buyers at less than its fair value." Therefore, my interest in this measure is twofold. First, I want to support my colleague Mr. BATEMAN; and second, I want to express my committee's jurisdictional interest in the dumping provisions of this measure. Based on my committee's lengthy history of work in the area of trade, and on the issue of dumping, I would like to note our intent to continue in the exercise of our authority in these areas.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute, recommended by the Committee on Ways and Means, modified by the amendment printed in part 1 of House Report 104-606, is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

H.R. 2754

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Shipbuilding Trade Agreement Act".

SEC. 2. APPROVAL OF THE SHIPBUILDING AGREEMENT.

The Congress approves The Agreement Respecting Normal Competitive Conditions in the Commercial Shipbuilding and Repair Industry (hereafter in this Act referred to as the "Shipbuilding Agreement"), a reciprocal trade agree-

ment which resulted from negotiations under the auspices of the Organization for Economic Cooperation and Development, and was entered into on December 21, 1994.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on the date that the Shipbuilding Agreement enters into force with respect to the United States.

TITLE I—INJURIOUS PRICING AND COUNTERMEASURES

SEC. 101. INJURIOUS PRICING AND COUNTERMEASURES PROCEEDINGS.

The Tariff Act of 1930 is amended by adding at the end the following new title:

"TITLE VIII—INJURIOUS PRICING AND COUNTERMEASURES RELATING TO SHIPBUILDING

"Subtitle A—Injurious Pricing Charge and Countermeasures

"Sec. 801. Injurious pricing charge.

"Sec. 802. Procedures for initiating an injurious pricing investigation.

"Sec. 803. Preliminary determinations.

"Sec. 804. Termination or suspension of investigation.

"Sec. 805. Final determinations.

"Sec. 806. Imposition and collection of injurious pricing charge.

"Sec. 807. Imposition of countermeasures.

"Sec. 808. Injurious pricing petitions by third countries.

"Subtitle B—Special Rules

"Sec. 821. Export price.

"Sec. 822. Normal value.

"Sec. 823. Currency conversion.

"Subtitle C—Procedures

"Sec. 841. Hearings.

"Sec. 842. Determinations on the basis of the facts available.

"Sec. 843. Access to information.

"Sec. 844. Conduct of investigations.

"Sec. 845. Administrative action following shipbuilding agreement panel reports.

"Subtitle D—Definitions

"Sec. 861. Definitions.

"Subtitle A—Injurious Pricing Charge and Countermeasures

"SEC. 801. INJURIOUS PRICING CHARGE.

"(a) BASIS FOR CHARGE.—If—

"(1) the administering authority determines that a foreign vessel has been sold directly or indirectly to one or more United States buyers at less than its fair value, and

"(2) the Commission determines that—

"(A) an industry in the United States—

"(i) is or has been materially injured, or

"(ii) is threatened with material injury, or

"(B) the establishment of an industry in the United States is or has been materially retarded, by reason of the sale of such vessel, then there shall be imposed upon the foreign producer of the subject vessel an injurious pricing charge, in an amount equal to the amount by which the normal value exceeds the export price for the vessel. For purposes of this subsection and section 805(b)(1), a reference to the sale of a foreign vessel includes the creation or transfer of an ownership interest in the vessel, except for an ownership interest created or acquired solely for the purpose of providing security for a normal commercial loan.

"(b) FOREIGN VESSELS NOT MERCHANDISE.—No foreign vessel may be considered to be, or to be part of, a class or kind of merchandise for purposes of subtitle B of title VII.

"SEC. 802. PROCEDURES FOR INITIATING AN INJURIOUS PRICING INVESTIGATION.

"(a) INITIATION BY ADMINISTERING AUTHORITY.—

"(1) GENERAL RULE.—Except in the case in which subsection (d)(6) applies, an injurious pricing investigation shall be initiated whenever the administering authority determines, from information available to it, that a formal investigation is warranted into the question of whether the elements necessary for the imposition of a charge under section 801(a) exist, and whether a producer described in section 861(17)(C) would meet the criteria of subsection (b)(1)(B) for a petitioner.

"(2) TIME FOR INITIATION BY ADMINISTERING AUTHORITY.—An investigation may only be initiated under paragraph (1) within 6 months after the time the administering authority first knew or should have known of the sale of the vessel. Any period in which subsection (d)(6)(A) applies shall not be included in calculating that 6-month period.

"(b) INITIATION BY PETITION.—

"(1) PETITION REQUIREMENTS.—(A) Except in a case in which subsection (d)(6) applies, an injurious pricing proceeding shall be initiated whenever an interested party, as defined in subparagraph (C), (D), (E), or (F) of section 861(17), files a petition with the administering authority, on behalf of an industry, which alleges the elements necessary for the imposition of an injurious pricing charge under section 801(a) and the elements required under subparagraph (B), (C), (D), or (E) of this paragraph, and which is accompanied by information reasonably available to the petitioner supporting those allegations and identifying the transaction concerned.

"(B)(i) If the petitioner is a producer described in section 861(17)(C), and—

"(I) if the vessel was sold through a broad multiple bid, the petition shall include information indicating that the petitioner was invited to tender a bid on the contract at issue, the petitioner actually did so, and the bid of the petitioner substantially met the delivery date and technical requirements of the bid,

"(II) if the vessel was sold through any bidding process other than a broad multiple bid and the petitioner was invited to tender a bid on the contract at issue, the petition shall include information indicating that the petitioner actually did so and the bid of the petitioner substantially met the delivery date and technical requirements of the bid, or

"(III) except in a case in which the vessel was sold through a broad multiple bid, if there is no invitation to tender a bid, the petition shall include information indicating that the petitioner was capable of building the vessel concerned and, if the petitioner knew or should have known of the proposed purchase, it made demonstrable efforts to conclude a sale with the United States buyer consistent with the delivery date and technical requirements of the buyer.

"(ii) For purposes of clause (i)(III), there is a rebuttable presumption that the petitioner knew or should have known of the proposed purchase if it is demonstrated that—

"(I) the majority of the producers in the industry have made efforts with the United States buyer to conclude a sale of the subject vessel, or

"(II) general information on the sale was available from brokers, financiers, classification societies, charterers, trade associations, or other entities normally involved in shipbuilding transactions with whom the petitioner had regular contacts or dealings.

"(C) If the petitioner is an interested party described in section 861(17)(D), the petition shall include information indicating that members of the union or group of workers described in that section are employed by a producer that meets the requirements of subparagraph (B) of this paragraph.

"(D) If the petitioner is an interested party described in section 861(17)(E), the petition shall

include information indicating that a member of the association described in that section is a producer that meets the requirements of subparagraph (B) of this paragraph.

"(E) If the petitioner is an interested party described in section 861(17)(F), the petition shall include information indicating that a member of the association described in that section meets the requirements of subparagraph (C) or (D) of this paragraph.

"(F) The petition may be amended at such time, and upon such conditions, as the administering authority and the Commission may permit.

"(2) **SIMULTANEOUS FILING WITH COMMISSION.**—The petitioner shall file a copy of the petition with the Commission on the same day as it is filed with the administering authority.

"(3) **DEADLINE FOR FILING PETITION.**—

"(A) **DEADLINE.**—(i) A petitioner to which paragraph (1)(B) (i) or (ii) applies shall file the petition no later than the earlier of—

"(I) 6 months after the time that the petitioner first knew or should have known of the sale of the subject vessel, or

"(II) 6 months after delivery of the subject vessel.

"(ii) A petitioner to which paragraph (1)(B)(iii) applies shall—

"(I) file the petition no later than the earlier of 9 months after the time that the petitioner first knew or should have known of the sale of the subject vessel, or 6 months after delivery of the subject vessel, and

"(II) submit to the administering authority a notice of intent to file a petition no later than 6 months after the time that the petitioner first knew or should have known of the sale (unless the petition itself is filed within that 6-month period).

"(B) **PRESUMPTION OF KNOWLEDGE.**—For purposes of this paragraph, if the existence of the sale, together with general information concerning the vessel, is published in the international trade press, there is a rebuttable presumption that the petitioner knew or should have known of the sale of the vessel from the date of that publication.

"(C) **ACTIONS BEFORE INITIATING INVESTIGATIONS.**—

"(1) **NOTIFICATION OF GOVERNMENTS.**—Before initiating an investigation under either subsection (a) or (b), the administering authority shall notify the government of the exporting country of the investigation. In the case of the initiation of an investigation under subsection (b), such notification shall include a public version of the petition.

"(2) **ACCEPTANCE OF COMMUNICATIONS.**—The administering authority shall not accept any unsolicited oral or written communication from any person other than an interested party described in section 861(17)(C), (D), (E), or (F) before the administering authority makes its decision whether to initiate an investigation pursuant to a petition, except for inquiries regarding the status of the administering authority's consideration of the petition or a request for consultation by the government of the exporting country.

"(3) **NONDISCLOSURE OF CERTAIN INFORMATION.**—The administering authority and the Commission shall not disclose information with regard to any draft petition submitted for review and comment before it is filed under subsection (b)(1).

"(d) **PETITION DETERMINATION.**—

"(1) **TIME FOR INITIAL DETERMINATION.**—(A) Within 45 days after the date on which a petition is filed under subsection (b), the administering authority shall, after examining, on the basis of sources readily available to the administering authority, the accuracy and adequacy of the evidence provided in the petition, determine whether the petition—

"(i) alleges the elements necessary for the imposition of an injurious pricing charge under section 801(a) and the elements required under subsection (b)(1)(B), (C), (D), or (E), and contains information reasonably available to the petitioner supporting the allegations; and

"(ii) determine if the petition has been filed by or on behalf of the industry.

"(B) Any period in which paragraph (6)(A) applies shall not be included in calculating the 45-day period described in subparagraph (A).

"(2) **AFFIRMATIVE DETERMINATIONS.**—If the determinations under clauses (i) and (ii) of paragraph (1)(A) are affirmative, the administering authority shall initiate an investigation to determine whether the vessel was sold at less than fair value, unless paragraph (6) applies.

"(3) **NEGATIVE DETERMINATIONS.**—If—

"(A) the determination under clause (i) or (ii) of paragraph (1)(A) is negative, or

"(B) paragraph (6)(B) applies, the administering authority shall dismiss the petition, terminate the proceeding, and notify the petitioner in writing of the reasons for the determination.

"(4) **DETERMINATION OF INDUSTRY SUPPORT.**—

"(A) **GENERAL RULE.**—For purposes of this subsection, the administering authority shall determine that the petition has been filed by or on behalf of the domestic industry, if—

"(i) the domestic producers or workers who support the petition collectively account for at least 25 percent of the total capacity of domestic producers capable of producing a like vessel, and

"(ii) the domestic producers or workers who support the petition collectively account for more than 50 percent of the total capacity to produce a like vessel of that portion of the domestic industry expressing support for or opposition to the petition.

"(B) **CERTAIN POSITIONS DISREGARDED.**—In determining industry support under subparagraph (A), the administering authority shall disregard the position of domestic producers who oppose the petition, if such producers are related to the foreign producer or United States buyer of the subject vessel, or the domestic producer is itself the United States buyer, unless such domestic producers demonstrate that their interests as domestic producers would be adversely affected by the imposition of an injurious pricing charge.

"(C) **POLLING THE INDUSTRY.**—If the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total capacity to produce a like vessel—

"(i) the administering authority shall poll the industry or rely on other information in order to determine if there is support for the petition as required by subparagraph (A), or

"(ii) if there is a large number of producers in the industry, the administering authority may determine industry support for the petition by using any statistically valid sampling method to poll the industry.

"(D) **COMMENTS BY INTERESTED PARTIES.**—Before the administering authority makes a determination with respect to initiating an investigation, any person who would qualify as an interested party under section 861(17) if an investigation were initiated, may submit comments or information on the issue of industry support. After the administering authority makes a determination with respect to initiating an investigation, the determination regarding industry support shall not be reconsidered.

"(5) **DEFINITION OF DOMESTIC PRODUCERS OR WORKERS.**—For purposes of this subsection, the term "domestic producers or workers" means interested parties as defined in section 861(17)(C), (D), (E), or (F).

"(6) **PROCEEDINGS BY WTO MEMBERS.**—The administering authority shall not initiate an investigation under this section if, with respect to the

vessel sale at issue, an antidumping proceeding conducted by a WTO member who is not a Shipbuilding Agreement Party—

"(A) has been initiated and has been pending for not more than one year, or

"(B) has been completed and resulted in the imposition of antidumping measures or a negative determination with respect to whether the sale was at less than fair value or with respect to injury.

"(e) **NOTIFICATION TO COMMISSION OF DETERMINATION.**—The administering authority shall—

"(1) notify the Commission immediately of any determination it makes under subsection (a) or (d), and

"(2) if the determination is affirmative, make available to the Commission such information as it may have relating to the matter under investigation, under such procedures as the administering authority and the Commission may establish to prevent disclosure, other than with the consent of the party providing it or under protective order, of any information to which confidential treatment has been given by the administering authority.

"SEC. 803. **PRELIMINARY DETERMINATIONS.**

"(a) **DETERMINATION BY COMMISSION OF REASONABLE INDICATION OF INJURY.**—

"(1) **GENERAL RULE.**—Except in the case of a petition dismissed by the administering authority under section 802(d)(3), the Commission, within the time specified in paragraph (2), shall determine, based on the information available to it at the time of the determination, whether there is a reasonable indication that—

"(A) an industry in the United States—

"(i) is or has been materially injured, or

"(ii) is threatened with material injury, or

"(B) the establishment of an industry in the United States is or has been materially retarded, by reason of the sale of the subject vessel. If the Commission makes a negative determination under this paragraph, the investigation shall be terminated.

"(2) **TIME FOR COMMISSION DETERMINATION.**—The Commission shall make the determination described in paragraph (1) within 90 days after the date on which the petition is filed or, in the case of an investigation initiated under section 802(a), within 90 days after the date on which the Commission receives notice from the administering authority that the investigation has been initiated.

"(b) **PRELIMINARY DETERMINATION BY ADMINISTERING AUTHORITY.**—

"(1) **PERIOD OF INJURIOUS PRICING INVESTIGATION.**—(A) The administering authority shall make a determination, based upon the information available to it at the time of the determination, of whether there is a reasonable basis to believe or suspect that the subject vessel was sold at less than fair value.

"(B) If cost data is required to determine normal value on the basis of a sale of a foreign like vessel that has not been delivered on or before the date on which the administering authority initiates the investigation, the administering authority shall make its determination within 160 days after the date of delivery of the foreign like vessel.

"(C) If normal value is to be determined on the basis of constructed value, the administering authority shall make its determination within 160 days after the date of delivery of the subject vessel.

"(D) In cases in which subparagraph (B) or (C) does not apply, the administering authority shall make its determination within 160 days after the date on which the administering authority initiates the investigation under section 802.

"(E) In no event shall the administering authority make its determination before an affirmative determination is made by the Commission under subsection (a).

"(2) **DE MINIMIS INJURIOUS PRICING MARGIN.**—In making a determination under this subsection, the administering authority shall disregard any injurious pricing margin that is de minimis. For purposes of the preceding sentence, an injurious pricing margin is de minimis if the administering authority determines that the margin is less than 2 percent of the export price.

"(c) **EXTENSION OF PERIOD IN EXTRAORDINARILY COMPLICATED CASES OR FOR GOOD CAUSE.**—

"(1) **IN GENERAL.**—If—

"(A) the administering authority concludes that the parties concerned are cooperating and determines that—

"(i) the case is extraordinarily complicated by reason of—

"(I) the novelty of the issues presented, or

"(II) the nature and extent of the information received, and

"(ii) additional time is necessary to make the preliminary determination, or

"(B) a party to the investigation requests an extension and demonstrates good cause for the extension,

then the administering authority may postpone the time for making its preliminary determination.

"(2) **LENGTH OF POSTPONEMENT.**—The preliminary determination may be postponed under paragraph (1)(A) or (B) until not later than the 190th day after—

"(A) the date of delivery of the foreign like vessel, if subsection (b)(1)(B) applies,

"(B) the date of delivery of the subject vessel, if subsection (b)(1)(C) applies, or

"(C) the date on which the administering authority initiates an investigation under section 802, in a case in which subsection (b)(1)(D) applies.

"(3) **NOTICE OF POSTPONEMENT.**—The administering authority shall notify the parties to the investigation, not later than 20 days before the date on which the preliminary determination would otherwise be required under subsection (b)(1), if it intends to postpone making the preliminary determination under paragraph (1). The notification shall include an explanation of the reasons for the postponement, and notice of the postponement shall be published in the Federal Register.

"(d) **EFFECT OF DETERMINATION BY THE ADMINISTERING AUTHORITY.**—If the preliminary determination of the administering authority under subsection (b) is affirmative, the administering authority shall—

"(1) determine an estimated injurious pricing margin, and

"(2) make available to the Commission all information upon which its determination was based and which the Commission considers relevant to its injury determination, under such procedures as the administering authority and the Commission may establish to prevent disclosure, other than with the consent of the party providing it or under protective order, of any information to which confidential treatment has been given by the administering authority.

"(e) **NOTICE OF DETERMINATION.**—Whenever the Commission or the administering authority makes a determination under this section, the Commission or the administering authority, as the case may be, shall notify the petitioner, and other parties to the investigation, and the Commission or the administering authority (whichever is appropriate) of its determination. The administering authority shall include with such notification the facts and conclusions on which its determination is based. Not later than 5 days after the date on which the determination is required to be made under subsection (a)(2), the Commission shall transmit to the administering authority the facts and conclusions on which its determination is based.

"SEC. 804. TERMINATION OR SUSPENSION OF INVESTIGATION.

"(a) **TERMINATION OF INVESTIGATION UPON WITHDRAWAL OF PETITION.**—

"(1) **IN GENERAL.**—Except as provided in paragraph (2), an investigation under this subtitle may be terminated by either the administering authority or the Commission, after notice to all parties to the investigation, upon withdrawal of the petition by the petitioner.

"(2) **LIMITATION ON TERMINATION BY COMMISSION.**—The Commission may not terminate an investigation under paragraph (1) before a preliminary determination is made by the administering authority under section 803(b).

"(b) **TERMINATION OF INVESTIGATIONS INITIATED BY ADMINISTERING AUTHORITY.**—The administering authority may terminate any investigation initiated by the administering authority under section 802(a) after providing notice of such termination to all parties to the investigation.

"(c) **ALTERNATE EQUIVALENT REMEDY.**—The criteria set forth in subparagraphs (A) through (D) of section 806(e)(1) shall apply to any agreement that forms the basis for termination of an investigation under subsection (a) or (b).

"(d) **PROCEEDINGS BY WTO MEMBERS.**—

"(1) **SUSPENSION OF INVESTIGATION.**—The administering authority and the Commission shall suspend an investigation under this section if a WTO member that is not a Shipbuilding Agreement Party initiates an antidumping proceeding described in section 861(29)(A) with respect to the sale of the subject vessel.

"(2) **TERMINATION OF INVESTIGATION.**—If an antidumping proceeding described in paragraph (1) is concluded by—

"(A) the imposition of antidumping measures, or

"(B) a negative determination with respect to whether the sale is at less than fair value or with respect to injury,

the administering authority and the Commission shall terminate the investigation under this section.

"(3) **CONTINUATION OF INVESTIGATION.**—(A) If such a proceeding—

"(i) is concluded by a result other than a result described in paragraph (2), or

"(ii) is not concluded within one year from the date of the initiation of the proceeding,

then the administering authority and the Commission shall terminate the suspension and continue the investigation. The period in which the investigation was suspended shall not be included in calculating deadlines applicable with respect to the investigation.

"(B) Notwithstanding subparagraph (A)(ii), if the proceeding is concluded by a result described in paragraph (2)(A), the administering authority and the Commission shall terminate the investigation under this section.

"SEC. 805. FINAL DETERMINATIONS.

"(a) **DETERMINATIONS BY ADMINISTERING AUTHORITY.**—

"(1) **IN GENERAL.**—Within 75 days after the date of its preliminary determination under section 803(b), the administering authority shall make a final determination of whether the vessel which is the subject of the investigation has been sold in the United States at less than its fair value.

"(2) **EXTENSION OF PERIOD FOR DETERMINATION.**—(A) The administering authority may postpone making the final determination under paragraph (1) until not later than 290 days after—

"(i) the date of delivery of the foreign like vessel, in an investigation to which section 803(b)(1)(B) applies,

"(ii) the date of delivery of the subject vessel, in an investigation to which section 803(b)(1)(C) applies, or

"(iii) the date on which the administering authority initiates the investigation under section 802, in an investigation to which section 803(b)(1)(D) applies.

"(B) The administering authority may apply subparagraph (A) if a request in writing is made by—

"(i) the producer of the subject vessel, in a proceeding in which the preliminary determination by the administering authority under section 803(b) was affirmative, or

"(ii) the petitioner, in a proceeding in which the preliminary determination by the administering authority under section 803(b) was negative.

"(3) **DE MINIMIS INJURIOUS PRICING MARGIN.**—In making a determination under this subsection, the administering authority shall disregard any injurious pricing margin that is de minimis as defined in section 803(b)(2).

"(b) **FINAL DETERMINATION BY COMMISSION.**—

"(1) **IN GENERAL.**—The Commission shall make a final determination of whether—

"(A) an industry in the United States—

"(i) is or has been materially injured, or

"(ii) is threatened with material injury, or

"(B) the establishment of an industry in the United States is or has been materially retarded, by reason of the sale of the vessel with respect to which the administering authority has made an affirmative determination under subsection (a)(1).

"(2) **PERIOD FOR INJURY DETERMINATION FOLLOWING AFFIRMATIVE PRELIMINARY DETERMINATION BY ADMINISTERING AUTHORITY.**—If the preliminary determination by the administering authority under section 803(b) is affirmative, then the Commission shall make the determination required by paragraph (1) before the later of—

"(A) the 120th day after the day on which the administering authority makes its affirmative preliminary determination under section 803(b), or

"(B) the 45th day after the day on which the administering authority makes its affirmative final determination under subsection (a).

"(3) **PERIOD FOR INJURY DETERMINATION FOLLOWING NEGATIVE PRELIMINARY DETERMINATION BY ADMINISTERING AUTHORITY.**—If the preliminary determination by the administering authority under section 803(b) is negative, and its final determination under subsection (a) is affirmative, then the final determination by the Commission under this subsection shall be made within 75 days after the date of that affirmative final determination.

"(c) **EFFECT OF FINAL DETERMINATIONS.**—

"(1) **EFFECT OF AFFIRMATIVE DETERMINATION BY THE ADMINISTERING AUTHORITY.**—If the determination of the administering authority under subsection (a) is affirmative, then the administering authority shall—

"(A) make available to the Commission all information upon which such determination was based and which the Commission considers relevant to its determination, under such procedures as the administering authority and the Commission may establish to prevent disclosure, other than with the consent of the party providing it or under protective order, of any information to which confidential treatment has been given by the administering authority, and

"(B) calculate an injurious pricing charge in an amount equal to the amount by which the normal value exceeds the export price of the subject vessel.

"(2) **ISSUANCE OF ORDER; EFFECT OF NEGATIVE DETERMINATION.**—If the determinations of the administering authority and the Commission under subsections (a)(1) and (b)(1) are affirmative, then the administering authority shall issue an injurious pricing order under section 806. If either of such determinations is negative, the investigation shall be terminated upon the

publication of notice of that negative determination.

"(d) **PUBLICATION OF NOTICE OF DETERMINATIONS.**—Whenever the administering authority or the Commission makes a determination under this section, it shall notify the petitioner, other parties to the investigation, and the other agency of its determination and of the facts and conclusions of law upon which the determination is based, and it shall publish notice of its determination in the Federal Register.

"(e) **CORRECTION OF MINISTERIAL ERRORS.**—The administering authority shall establish procedures for the correction of ministerial errors in final determinations within a reasonable time after the determinations are issued under this section. Such procedures shall ensure opportunity for interested parties to present their views regarding any such errors. As used in this subsection, the term 'ministerial error' includes errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error which the administering authority considers ministerial.

"SEC. 806. IMPOSITION AND COLLECTION OF INJURIOUS PRICING CHARGE.

"(a) **IN GENERAL.**—Within 10 days after being notified by the Commission of an affirmative determination under section 805(b), the administering authority shall publish an order imposing an injurious pricing charge on the foreign producer of the subject vessel which—

"(1) directs the foreign producer of the subject vessel to pay to the Secretary of the Treasury, or the designee of the Secretary, within 180 days from the date of publication of the order, an injurious pricing charge in an amount equal to the amount by which the normal value exceeds the export price of the subject vessel,

"(2) includes the identity and location of the foreign producer and a description of the subject vessel, in such detail as the administering authority deems necessary, and

"(3) informs the foreign producer that—

"(A) failure to pay the injurious pricing charge in a timely fashion may result in the imposition of countermeasures with respect to that producer under section 807,

"(B) payment made after the deadline described in paragraph (1) shall be subject to interest charges at the Commercial Interest Reference Rate (CIRR), and

"(C) the foreign producer may request an extension of the due date for payment under subsection (b).

"(b) **EXTENSION OF DUE DATE FOR PAYMENT IN EXTRAORDINARY CIRCUMSTANCES.**—

"(1) **EXTENSION.**—Upon request, the administering authority may amend the order under subsection (a) to set a due date for payment or payments later than the date that is 180 days from the date of publication of the order, if the administering authority determines that full payment in 180 days would render the producer insolvent or would be incompatible with a judicially supervised reorganization. When an extended payment schedule provides for a series of partial payments, the administering authority shall specify the circumstances under which default on one or more payments will result in the imposition of countermeasures.

"(2) **INTEREST CHARGES.**—If a request is granted under paragraph (1), payments made after the date that is 180 days from the publication of the order shall be subject to interest charges at the CIRR.

"(c) **NOTIFICATION OF ORDER.**—The administering authority shall deliver a copy of the order requesting payment to the foreign producer of the subject vessel and to an appropriate representative of the government of the exporting country.

"(d) **REVOCACTION OF ORDER.**—The administering authority—

"(1) may revoke an injurious pricing order if the administering authority determines that producers accounting for substantially all of the capacity to produce a domestic like vessel have expressed a lack of interest in the order, and

"(2) shall revoke an injurious pricing order—

"(A) if the sale of the vessel that was the subject of the injurious pricing determination is voided,

"(B) if the injurious pricing charge is paid in full, including any interest accrued for late payment,

"(C) upon full implementation of an alternative equivalent remedy described in subsection (e), or

"(D) if, with respect to the vessel sale that was at issue in the investigation that resulted in the injurious pricing order, an antidumping proceeding conducted by a WTO member who is not a Shipbuilding Agreement Party has been completed and resulted in the imposition of antidumping measures.

"(e) **ALTERNATIVE EQUIVALENT REMEDY.**—

"(1) **AGREEMENT FOR ALTERNATE REMEDY.**—The administering authority may suspend an injurious pricing order if the administering authority enters into an agreement with the foreign producer subject to the order on an alternative equivalent remedy, that the administering authority determines—

"(A) is at least as effective a remedy as the injurious pricing charge,

"(B) is in the public interest,

"(C) can be effectively monitored and enforced, and

"(D) is otherwise consistent with the domestic law and international obligations of the United States.

"(2) **PRIOR CONSULTATIONS AND SUBMISSION OF COMMENTS.**—Before entering into an agreement under paragraph (1), the administering authority shall consult with the industry, and provide for the submission of comments by interested parties, with respect to the agreement.

"(3) **MATERIAL VIOLATIONS OF AGREEMENT.**—If the injurious pricing order has been suspended under paragraph (1), and the administering authority determines that the foreign producer concerned has materially violated the terms of the agreement under paragraph (1), the administering authority shall terminate the suspension.

"SEC. 807. IMPOSITION OF COUNTERMEASURES.

"(a) **GENERAL RULE.**—

"(1) **ISSUANCE OF ORDER IMPOSING COUNTERMEASURES.**—Unless an injurious pricing order is revoked or suspended under section 806 (d) or (e), the administering authority shall issue an order imposing countermeasures.

"(2) **CONTENTS OF ORDER.**—The countermeasure order shall—

"(A) state that, as provided in section 468, a permit to lade or unlade passengers or merchandise may not be issued with respect to vessels contracted to be built by the foreign producer of the vessel with respect to which an injurious pricing order was issued under section 806, and

"(B) specify the scope and duration of the prohibition on the issuance of a permit to lade or unlade passengers or merchandise.

"(b) **NOTICE OF INTENT TO IMPOSE COUNTERMEASURES.**—

"(1) **GENERAL RULE.**—The administering authority shall issue a notice of intent to impose countermeasures not later than 30 days before the expiration of the time for payment specified in the injurious pricing order (or extended payment provided for under section 806(b)), and shall publish the notice in the Federal Register within 7 days after issuing the notice.

"(2) **ELEMENTS OF THE NOTICE OF INTENT.**—The notice of intent shall contain at least the following elements:

"(A) **SCOPE.**—A permit to lade or unlade passengers or merchandise may not be issued with respect to any vessel—

"(i) built by the foreign producer subject to the proposed countermeasures, and

"(ii) with respect to which the material terms of sale are established within a period of 4 consecutive years beginning on the date that is 30 days after publication in the Federal Register of the notice of intent described in paragraph (1).

"(B) **DURATION.**—For each vessel described in subparagraph (A), a permit to lade or unlade passengers or merchandise may not be issued for a period of 4 years after the date of delivery of the vessel.

"(c) **DETERMINATION TO IMPOSE COUNTERMEASURES; ORDER.**—

"(1) **GENERAL RULE.**—The administering authority shall, within the time specified in paragraph (2), issue a determination and order imposing countermeasures.

"(2) **TIME FOR DETERMINATION.**—The determination shall be issued within 90 days after the date on which the notice of intent to impose countermeasures under subsection (b) is published in the Federal Register. The administering authority shall publish the determination, and the order described in paragraph (4), in the Federal Register within 7 days after issuing the final determination, and shall provide a copy of the determination and order to the Customs Service.

"(3) **CONTENT OF THE DETERMINATION.**—In the determination imposing countermeasures, the administering authority shall determine whether, in light of all of the circumstances, an interested party has demonstrated that the scope or duration of the countermeasures described in subsection (b)(2) should be narrower or shorter than the scope or duration set forth in the notice of intent to impose countermeasures.

"(4) **ORDER.**—At the same time it issues its determination, the administering authority shall issue an order imposing countermeasures, consistent with its determination.

"(d) **ADMINISTRATIVE REVIEW OF DETERMINATION TO IMPOSE COUNTERMEASURES.**—

"(1) **REQUEST FOR REVIEW.**—Each year, in the anniversary month of the issuance of the order imposing countermeasures under subsection (c), the administering authority shall publish in the Federal Register a notice providing that interested parties may request—

"(A) a review of the scope or duration of the countermeasures determined under subsection (c)(3), and

"(B) a hearing in connection with such a review.

"(2) **REVIEW.**—If a proper request has been received under paragraph (1), the administering authority shall—

"(A) publish notice of initiation of a review in the Federal Register not later than 15 days after the end of the anniversary month of the issuance of the order imposing countermeasures, and

"(B) review and determine whether the requesting party has demonstrated that the scope or duration of the countermeasures is excessive in light of all of the circumstances.

"(3) **TIME FOR REVIEW.**—The administering authority shall make its determination under paragraph (2)(B) within 90 days after the date on which the notice of initiation of the review is published. If the determination under paragraph (2)(B) is affirmative, the administering authority shall amend the order accordingly. The administering authority shall promptly publish the determination and any amendment to the order in the Federal Register, and shall provide a copy of any amended order to the Customs Service. In extraordinary circumstances, the administering authority may extend the time for its determination under paragraph (2)(B) to not later than 150 days after the date on which the notice of initiation of the review is published.

"(e) EXTENSION OF COUNTERMEASURES.—

"(1) REQUEST FOR EXTENSION.—Within the time described in paragraph (2), an interested party may file with the administering authority a request that the scope or duration of countermeasures be extended.

"(2) DEADLINE FOR REQUEST FOR EXTENSION.—

"(A) REQUEST FOR EXTENSION BEYOND 4 YEARS.—If the request seeks an extension that would cause the scope or duration of countermeasures to exceed 4 years, including any prior extensions, the request for extension under paragraph (1) shall be filed not earlier than the date that is 15 months, and not later than the date that is 12 months, before the date that marks the end of the period that specifies the vessels that fall within the scope of the order by virtue of the establishment of material terms of sale within that period.

"(B) OTHER REQUESTS.—If the request seeks an extension under paragraph (1) other than one described in subparagraph (A), the request shall be filed not earlier than the date that is 6 months, and not later than a date that is 3 months, before the date that marks the end of the period referred to in subparagraph (A).

"(3) DETERMINATION.—

"(A) NOTICE OF REQUEST FOR EXTENSION.—If a proper request has been received under paragraph (1), the administering authority shall publish notice of initiation of an extension proceeding in the Federal Register not later than 15 days after the applicable deadline in paragraph (2) for requesting the extension.

"(B) PROCEDURES.—

"(i) REQUESTS FOR EXTENSION BEYOND 4 YEARS.—If paragraph (2)(A) applies to the request, the administering authority shall consult with the Trade Representative under paragraph (4).

"(ii) OTHER REQUESTS.—If paragraph (2)(B) applies to the request, the administering authority shall determine, within 90 days after the date on which the notice of initiation of the proceeding is published, whether the requesting party has demonstrated that the scope or duration of the countermeasures is inadequate in light of all of the circumstances. If the administering authority determines that an extension is warranted, it shall amend the countermeasure order accordingly. The administering authority shall promptly publish the determination and any amendment to the order in the Federal Register, and shall provide a copy of any amended order to the Customs Service.

"(4) CONSULTATION WITH TRADE REPRESENTATIVE.—If paragraph (3)(B)(i) applies, the administering authority shall consult with the Trade Representative concerning whether it would be appropriate to request establishment of a dispute settlement panel under the Shipbuilding Agreement for the purpose of seeking authorization to extend the scope or duration of countermeasures for a period in excess of 4 years.

"(5) DECISION NOT TO REQUEST PANEL.—If, based on consultations under paragraph (4), the Trade Representative decides not to request establishment of a panel, the Trade Representative shall inform the party requesting the extension of the countermeasures of the reasons for its decision in writing. The decision shall not be subject to judicial review.

"(6) PANEL PROCEEDINGS.—If, based on consultations under paragraph (4), the Trade Representative requests the establishment of a panel under the Shipbuilding Agreement to authorize an extension of the period of countermeasures, and the panel authorizes such an extension, the administering authority shall promptly amend the countermeasure order. The administering authority shall publish notice of the amendment in the Federal Register.

"(f) LIST OF VESSELS SUBJECT TO COUNTERMEASURES.—

"(1) GENERAL RULE.—At least once during each 12-month period beginning on the anniversary date of a determination to impose countermeasures under this section, the administering authority shall publish in the Federal Register a list of all delivered vessels subject to countermeasures under the determination.

"(2) CONTENT OF LIST.—The list under paragraph (1) shall include the following information for each vessel, to the extent the information is available:

"(A) The name and general description of the vessel.

"(B) The vessel identification number.

"(C) The shipyard where the vessel was constructed.

"(D) The last-known registry of the vessel.

"(E) The name and address of the last-known owner of the vessel.

"(F) The delivery date of the vessel.

"(G) The remaining duration of countermeasures on the vessel.

"(H) Any other identifying information available.

"(3) AMENDMENT OF LIST.—The administering authority may amend the list from time to time to reflect new information that comes to its attention and shall publish any amendments in the Federal Register.

"(4) SERVICE OF LIST AND AMENDMENTS.—(A) The administering authority shall serve a copy of the list described in paragraph (1) on—

"(i) the petitioner under section 802(b),

"(ii) the United States Customs Service,

"(iii) the Secretariat of the Organization for Economic Cooperation and Development,

"(iv) the owners of vessels on the list,

"(v) the shipyards on the list, and

"(vi) the government of the country in which a shipyard on the list is located.

"(B) The administering authority shall serve a copy of any amendments to the list under paragraph (3) or subsection (g)(3) on—

"(i) the parties listed in clauses (i), (ii), and (iii) of subparagraph (A), and,

"(ii) if the amendment affects their interests, the parties listed in clauses (iv), (v), and (vi) of subparagraph (A).

"(g) ADMINISTRATIVE REVIEW OF LIST OF VESSELS SUBJECT TO COUNTERMEASURES.—

"(1) REQUEST FOR REVIEW.—(A) An interested party may request in writing a review of the list described in subsection (f)(1), including any amendments thereto, to determine whether—

"(i) a vessel included in the list does not fall within the scope of the applicable countermeasure order and should be deleted, or

"(ii) a vessel not included in the list falls within the scope of the applicable countermeasure order and should be added.

"(B) Any request seeking a determination described in subparagraph (A)(i) shall be made within 90 days after the date of publication of the applicable list.

"(2) REVIEW.—If a proper request for review has been received, the administering authority shall—

"(A) publish notice of initiation of a review in the Federal Register—

"(i) not later than 15 days after the request is received, or

"(ii) if the request seeks a determination described in paragraph (1)(A)(i), not later than 15 days after the deadline described in paragraph (1)(B), and

"(B) review and determine whether the requesting party has demonstrated that—

"(i) a vessel included in the list does not qualify for inclusion, or

"(ii) a vessel not included in the list qualifies for inclusion.

"(3) TIME FOR DETERMINATION.—The administering authority shall make its determination under paragraph (2)(B) within 90 days after the

date on which the notice of initiation of such review is published. If the administering authority determines that a vessel should be added or deleted from the list, the administering authority shall amend the list accordingly. The administering authority shall promptly publish in the Federal Register the determination and any such amendment to the list.

"(h) EXPIRATION OF COUNTERMEASURES.—Upon expiration of a countermeasure order imposed under this section, the administering authority shall promptly publish a notice of the expiration in the Federal Register.

"(i) SUSPENSION OR TERMINATION OF PROCEEDINGS OR COUNTERMEASURES; TEMPORARY REDUCTION OF COUNTERMEASURES.—

"(1) IF INJURIOUS PRICING ORDER REVOKED OR SUSPENDED.—If an injurious pricing order has been revoked or suspended under section 806(d) or (e), the administering authority shall, as appropriate, suspend or terminate proceedings under this section with respect to that order, or suspend or revoke a countermeasure order issued with respect to that injurious pricing order.

"(2) IF PAYMENT DATE AMENDED.—(A) Subject to subparagraph (C), if the payment date under an injurious pricing order is amended under section 845, the administering authority shall, as appropriate, suspend proceedings or modify deadlines under this section, or suspend or amend a countermeasure order issued with respect to that injurious pricing order.

"(B) In taking action under subparagraph (A), the administering authority shall ensure that countermeasures are not applied before the date that is 30 days after publication in the Federal Register of the amended payment date.

"(C) If—

"(i) a countermeasure order is issued under subsection (c) before an amendment is made under section 845 to the payment date of the injurious pricing order to which the countermeasure order applies, and

"(ii) the administering authority determines that the period of time between the original payment date and the amended payment date is significant for purposes of determining the appropriate scope or duration of countermeasures,

the administering authority may, in lieu of acting under subparagraph (A), reinstitute proceedings under subsection (c) for purposes of issuing a new determination under that subsection.

"(j) COMMENT AND HEARING.—In the course of any proceeding under subsection (c), (d), (e), or (g), the administering authority—

"(1) shall solicit comments from interested parties, and

"(2)(A) in a proceeding under subsection (c) or (d), upon the request of an interested party, shall hold a hearing in accordance with section 841(b) in connection with that proceeding, or

"(B) in a proceeding under subsection (e) or (g), upon the request of an interested party, may hold a hearing in accordance with section 841(b) in connection with that proceeding.

"SEC. 808. INJURIOUS PRICING PETITIONS BY THIRD COUNTRIES.

"(a) FILING OF PETITION.—The government of a Shipbuilding Agreement Party may file with the Trade Representative a petition requesting that an investigation be conducted to determine if—

"(1) a vessel from another Shipbuilding Agreement Party has been sold in the United States at less than fair value, and

"(2) an industry, in the petitioning country, producing or capable of producing a like vessel is materially injured by reason of such sale.

"(b) INITIATION.—The Trade Representative, after consultation with the administering authority and the Commission and obtaining the approval of the Parties Group under the Shipbuilding Agreement, shall determine whether to

initiate an investigation described in subsection (a).

"(c) DETERMINATIONS.—Upon initiation of an investigation under subsection (a), the Trade Representative shall request the following determinations be made in accordance with substantive and procedural requirements specified by the Trade Representative, notwithstanding any other provision of this title:

"(1) The administering authority shall determine whether the subject vessel has been sold at less than fair value.

"(2) The Commission shall determine whether an industry in the petitioning country is materially injured by reason of the sale of the subject vessel in the United States.

"(d) PUBLIC COMMENT.—An opportunity for public comment shall be provided, as appropriate—

"(1) by the Trade Representative, in making the determinations required by subsection (b), and

"(2) by the administering authority and the Commission, in making the determinations required by subsection (c).

"(e) ISSUANCE OF ORDER.—If the administering authority makes an affirmative determination under paragraph (1) of subsection (c), and the Commission makes an affirmative determination under paragraph (2) of subsection (c), the administering authority shall—

"(1) order an injurious pricing charge in accordance with section 806, and

"(2) make such determinations and take such other actions as are required by sections 806 and 807, as if affirmative determinations had been made under subsections (a) and (b) of section 805.

"(f) REVIEWS OF DETERMINATIONS.—For purposes of review under section 516B, if an order is issued under subsection (e)—

"(1) the final determinations of the administering authority and the Commission under subsection (c) shall be treated as final determinations made under section 805, and

"(2) determinations of the administering authority under subsection (e)(2) shall be treated as determinations made under section 806 or 807, as the case may be.

"(g) ACCESS TO INFORMATION.—Section 843 shall apply to investigations under this section, to the extent specified by the Trade Representative, after consultation with the administering authority and the Commission.

"Subtitle B—Special Rules

"SEC. 821. EXPORT PRICE.

"(a) EXPORT PRICE.—For purposes of this title, the term 'export price' means the price at which the subject vessel is first sold (or agreed to be sold) by or for the account of the foreign producer of the subject vessel to an unaffiliated United States buyer. The term 'sold (or agreed to be sold) by or for the account of the foreign producer' includes any transfer of an ownership interest, including by way of lease or long-term bareboat charter, in conjunction with the original transfer from the producer, either directly or indirectly, to a United States buyer.

"(b) ADJUSTMENTS TO EXPORT PRICE.—The price used to establish export price shall be—

"(1) increased by the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the subject vessel, and

"(2) reduced by—

"(A) the amount, if any, included in such price, attributable to any additional costs, charges, or expenses which are incident to bringing the subject vessel from the shipyard in the exporting country to the place of delivery,

"(B) the amount, if included in such price, of any export tax, duty, or other charge imposed by the exporting country on the exportation of the subject vessel, and

"(C) all other expenses incidental to placing the vessel in condition for delivery to the buyer.

"SEC. 822. NORMAL VALUE.

"(a) DETERMINATION.—In determining under this title whether a subject vessel has been sold at less than fair value, a fair comparison shall be made between the export price and normal value of the subject vessel. In order to achieve a fair comparison with the export price, normal value shall be determined as follows:

"(1) DETERMINATION OF NORMAL VALUE.—

"(A) IN GENERAL.—The normal value of the subject vessel shall be the price described in subparagraph (B), at a time reasonably corresponding to the time of the sale used to determine the export price under section 821(a).

"(B) PRICE.—The price referred to in subparagraph (A) is—

"(i) the price at which a foreign like vessel is first sold in the exporting country, in the ordinary course of trade and, to the extent practicable, at the same level of trade, or

"(ii) in a case in which subparagraph (C) applies, the price at which a foreign like vessel is so sold for consumption in a country other than the exporting country or the United States, if—

"(I) such price is representative, and

"(II) the administering authority does not determine that the particular market situation in such other country prevents a proper comparison with the export price.

"(C) THIRD COUNTRY SALES.—This subparagraph applies when—

"(i) a foreign like vessel is not sold in the exporting country as described in subparagraph (B)(i), or

"(ii) the particular market situation in the exporting country does not permit a proper comparison with the export price.

"(D) CONTEMPORANEOUS SALE.—For purposes of subparagraph (A), 'a time reasonably corresponding to the time of the sale' means within 3 months before or after the sale of the subject vessel or, in the absence of such sales, such longer period as the administering authority determines would be appropriate.

"(2) FICTITIOUS MARKETS.—No pretended sale, and no sale intended to establish a fictitious market, shall be taken into account in determining normal value.

"(3) USE OF CONSTRUCTED VALUE.—If the administering authority determines that the normal value of the subject vessel cannot be determined under paragraph (1)(B) or (1)(C), then the normal value of the subject vessel shall be the constructed value of that vessel, as determined under subsection (e).

"(4) INDIRECT SALES.—If a foreign like vessel is sold through an affiliated party, the price at which the foreign like vessel is sold by such affiliated party may be used in determining normal value.

"(5) ADJUSTMENTS.—The price described in paragraph (1)(B) shall be—

"(A) reduced by—

"(i) the amount, if any, included in the price described in paragraph (1)(B), attributable to any costs, charges, and expenses incident to bringing the foreign like vessel from the shipyard to the place of delivery to the purchaser,

"(ii) the amount of any taxes imposed directly upon the foreign like vessel or components thereof which have been rebated, or which have not been collected, on the subject vessel, but only to the extent that such taxes are added to or included in the price of the foreign like vessel, and

"(iii) the amount of all other expenses incidental to placing the foreign like vessel in condition for delivery to the buyer, and

"(B) increased or decreased by the amount of any difference (or lack thereof) between the export price and the price described in paragraph (1)(B) (other than a difference for which allow-

ance is otherwise provided under this section) that is established to the satisfaction of the administering authority to be wholly or partly due to—

"(i) physical differences between the subject vessel and the vessel used in determining normal value, or

"(ii) other differences in the circumstances of sale.

"(6) ADJUSTMENTS FOR LEVEL OF TRADE.—The price described in paragraph (1)(B) shall also be increased or decreased to make due allowance for any difference (or lack thereof) between the export price and the price described in paragraph (1)(B) (other than a difference for which allowance is otherwise made under this section) that is shown to be wholly or partly due to a difference in level of trade between the export price and normal value, if the difference in level of trade—

"(A) involves the performance of different selling activities, and

"(B) is demonstrated to affect price comparability, based on a pattern of consistent price differences between sales at different levels of trade in the country in which normal value is determined.

In a case described in the preceding sentence, the amount of the adjustment shall be based on the price differences between the two levels of trade in the country in which normal value is determined.

"(7) ADJUSTMENTS TO CONSTRUCTED VALUE.—Constructed value as determined under subsection (d) may be adjusted, as appropriate, pursuant to this subsection.

"(b) SALES AT LESS THAN COST OF PRODUCTION.—

"(1) DETERMINATION; SALES DISREGARDED.—Whenever the administering authority has reasonable grounds to believe or suspect that the sale of the foreign like vessel under consideration for the determination of normal value has been made at a price which represents less than the cost of production of the foreign like vessel, the administering authority shall determine whether, in fact, such sale was made at less than the cost of production. If the administering authority determines that the sale was made at less than the cost of production and was not at a price which permits recovery of all costs within 5 years, such sale may be disregarded in the determination of normal value. Whenever such a sale is disregarded, normal value shall be based on another sale of a foreign like vessel in the ordinary course of trade. If no sales made in the ordinary course of trade remain, the normal value shall be based on the constructed value of the subject vessel.

"(2) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection:

"(A) REASONABLE GROUNDS TO BELIEVE OR SUSPECT.—There are reasonable grounds to believe or suspect that the sale of a foreign like vessel was made at a price that is less than the cost of production of the vessel, if an interested party described in subparagraph (C), (D), (E), or (F) of section 861(17) provides information, based upon observed prices or constructed prices or costs, that the sale of the foreign like vessel under consideration for the determination of normal value has been made at a price which represents less than the cost of production of the vessel.

"(B) RECOVERY OF COSTS.—If the price is below the cost of production at the time of sale but is above the weighted average cost of production for the period of investigation, such price shall be considered to provide for recovery of costs within 5 years.

"(3) CALCULATION OF COST OF PRODUCTION.—For purposes of this section, the cost of production shall be an amount equal to the sum of—

"(A) the cost of materials and of fabrication or other processing of any kind employed in producing the foreign like vessel, during a period

which would ordinarily permit the production of that vessel in the ordinary course of business, and

"(B) an amount for selling, general, and administrative expenses based on actual data pertaining to the production and sale of the foreign like vessel by the producer in question.

For purposes of subparagraph (A), if the normal value is based on the price of the foreign like vessel sold in a country other than the exporting country, the cost of materials shall be determined without regard to any internal tax in the exporting country imposed on such materials or on their disposition which are remitted or refunded upon exportation.

"(C) NONMARKET ECONOMY COUNTRIES.—

"(1) IN GENERAL.—If—

"(A) the subject vessel is produced in a non-market economy country, and

"(B) the administering authority finds that available information does not permit the normal value of the subject vessel to be determined under subsection (a),

the administering authority shall determine the normal value of the subject vessel on the basis of the value of the factors of production utilized in producing the vessel and to which shall be added an amount for general expenses and profit plus the cost of expenses incidental to placing the vessel in a condition for delivery to the buyer. Except as provided in paragraph (2), the valuation of the factors of production shall be based on the best available information regarding the values of such factors in a market economy country or countries considered to be appropriate by the administering authority.

"(2) EXCEPTION.—If the administering authority finds that the available information is inadequate for purposes of determining the normal value of the subject vessel under paragraph (1), the administering authority shall determine the normal value on the basis of the price at which a vessel that is—

"(A) comparable to the subject vessel, and

"(B) produced in one or more market economy countries that are at a level of economic development comparable to that of the nonmarket economy country,

is sold in other countries, including the United States.

"(3) FACTORS OF PRODUCTION.—For purposes of paragraph (1), the factors of production utilized in producing the vessel include, but are not limited to—

"(A) hours of labor required,

"(B) quantities of raw materials employed,

"(C) amounts of energy and other utilities consumed, and

"(D) representative capital cost, including depreciation.

"(4) VALUATION OF FACTORS OF PRODUCTION.—The administering authority, in valuing factors of production under paragraph (1), shall utilize, to the extent possible, the prices or costs of factors of production in one or more market economy countries that are—

"(A) at a level of economic development comparable to that of the nonmarket economy country, and

"(B) significant producers of comparable vessels.

"(d) SPECIAL RULE FOR CERTAIN MULTINATIONAL CORPORATIONS.—Whenever, in the course of an investigation under this title, the administering authority determines that—

"(1) the subject vessel was produced in facilities which are owned or controlled, directly or indirectly, by a person, firm, or corporation which also owns or controls, directly or indirectly, other facilities for the production of a foreign like vessel which are located in another country or countries,

"(2) subsection (a)(1)(C) applies, and

"(3) the normal value of a foreign like vessel produced in one or more of the facilities outside

the exporting country is higher than the normal value of the foreign like vessel produced in the facilities located in the exporting country,

the administering authority shall determine the normal value of the subject vessel by reference to the normal value at which a foreign like vessel is sold from one or more facilities outside the exporting country. The administering authority, in making any determination under this subsection, shall make adjustments for the difference between the costs of production (including taxes, labor, materials, and overhead) of the foreign like vessel produced in facilities outside the exporting country and costs of production of the foreign like vessel produced in facilities in the exporting country, if such differences are demonstrated to its satisfaction.

"(e) CONSTRUCTED VALUE.—

"(1) IN GENERAL.—For purposes of this title, the constructed value of a subject vessel shall be an amount equal to the sum of—

"(A) the cost of materials and fabrication or other processing of any kind employed in producing the subject vessel, during a period which would ordinarily permit the production of the vessel in the ordinary course of business, and

"(B)(i) the actual amounts incurred and realized by the foreign producer of the subject vessel for selling, general, and administrative expenses, and for profits, in connection with the production and sale of a foreign like vessel, in the ordinary course of trade, in the domestic market of the country of origin of the subject vessel, or

"(ii) if actual data are not available with respect to the amounts described in clause (i), then—

"(I) the actual amounts incurred and realized by the foreign producer of the subject vessel for selling, general, and administrative expenses, and for profits, in connection with the production and sale of the same general category of vessel in the domestic market of the country of origin of the subject vessel,

"(II) the weighted average of the actual amounts incurred and realized by producers in the country of origin of the subject vessel (other than the producer of the subject vessel) for selling, general, and administrative expenses, and for profits, in connection with the production and sale of a foreign like vessel, in the ordinary course of trade, in the domestic market, or

"(III) if data is not available under subclause (I) or (II), the amounts incurred and realized for selling, general, and administrative expenses, and for profits, based on any other reasonable method, except that the amount allowed for profit may not exceed the amount normally realized by foreign producers (other than the producer of the subject vessel) in connection with the sale of vessels in the same general category of vessel as the subject vessel in the domestic market of the country of origin of the subject vessel.

The profit shall, for purposes of this paragraph, be based on the average profit realized over a reasonable period of time before and after the sale of the subject vessel and shall reflect a reasonable profit at the time of such sale. For purposes of the preceding sentence, a 'reasonable period of time' shall not, except where otherwise appropriate, exceed 6 months before, or 6 months after, the sale of the subject vessel. In calculating profit under this paragraph, any distortion which would result in other than a profit which is reasonable at the time of the sale shall be eliminated.

"(2) COSTS AND PROFITS BASED ON OTHER REASONABLE METHODS.—When costs and profits are determined under paragraph (1)(B)(i)(III), such determination shall, except where otherwise appropriate, be based on appropriate export sales by the producer of the subject vessel or, absent such sales, to export sales by other producers of

a foreign like vessel or the same general category of vessel as the subject vessel in the country of origin of the subject vessel.

"(3) COSTS OF MATERIALS.—For purposes of paragraph (1)(A), the cost of materials shall be determined without regard to any internal tax in the exporting country imposed on such materials or their disposition which are remitted or refunded upon exportation of the subject vessel produced from such materials.

"(f) SPECIAL RULES FOR CALCULATION OF COST OF PRODUCTION AND FOR CALCULATION OF CONSTRUCTED VALUE.—For purposes of subsections (b) and (e)—

"(1) COSTS.—

"(A) IN GENERAL.—Costs shall normally be calculated based on the records of the foreign producer of the subject vessel, if such records are kept in accordance with the generally accepted accounting principles of the exporting country and reasonably reflect the costs associated with the production and sale of the vessel. The administering authority shall consider all available evidence on proper allocation of costs, including that which is made available by the foreign producer on a timely basis, if such allocations have been historically used by the foreign producer, in particular for establishing appropriate amortization and depreciation periods, and allowances for capital expenditures and other development costs.

"(B) NONRECURRING COSTS.—Costs shall be adjusted appropriately for those nonrecurring costs that benefit current or future production, or both.

"(C) STARTUP COSTS.—

"(i) IN GENERAL.—Costs shall be adjusted appropriately for circumstances in which costs incurred during the time period covered by the investigation are affected by startup operations.

"(ii) STARTUP OPERATIONS.—Adjustments shall be made for startup operations only where—

"(I) a producer is using new production facilities or producing a new type of vessel that requires substantial additional investment, and

"(II) production levels are limited by technical factors associated with the initial phase of commercial production.

For purposes of subclause (II), the initial phase of commercial production ends at the end of the startup period. In determining whether commercial production levels have been achieved, the administering authority shall consider factors unrelated to startup operations that might affect the volume of production processed, such as demand, seasonality, or business cycles.

"(iii) ADJUSTMENT FOR STARTUP OPERATIONS.—The adjustment for startup operations shall be made by substituting the unit production costs incurred with respect to the vessel at the end of the startup period for the unit production costs incurred during the startup period. If the startup period extends beyond the period of the investigation under this title, the administering authority shall use the most recent cost of production data that it reasonably can obtain, analyze, and verify without delaying the timely completion of the investigation. For purposes of this subparagraph, the startup period ends at the point at which the level of commercial production that is characteristic of the vessel, the producer, or the industry is achieved.

"(D) COSTS DUE TO EXTRAORDINARY CIRCUMSTANCES NOT INCLUDED.—Costs shall not include actual costs which are due to extraordinary circumstances (including, but not limited to, labor disputes, fire, and natural disasters) and which are significantly over the cost increase which the shipbuilder could have reasonably anticipated and taken into account at the time of sale.

"(2) TRANSACTIONS DISREGARDED.—A transaction directly or indirectly between affiliated

persons may be disregarded if, in the case of any element of value required to be considered, the amount representing that element does not fairly reflect the amount usually reflected in sales of a like vessel in the market under consideration. If a transaction is disregarded under the preceding sentence and no other transactions are available for consideration, the determination of the amount shall be based on the information available as to what the amount would have been if the transaction had occurred between persons who are not affiliated.

"(3) MAJOR INPUT RULE.—If, in the case of a transaction between affiliated persons involving the production by one of such persons of a major input to the subject vessel, the administering authority has reasonable grounds to believe or suspect that an amount represented as the value of such input is less than the cost of production of such input, then the administering authority may determine the value of the major input on the basis of the information available regarding such cost of production, if such cost is greater than the amount that would be determined for such input under paragraph (2).

"SEC. 823. CURRENCY CONVERSION.

"(a) IN GENERAL.—In an injurious pricing proceeding under this title, the administering authority shall convert foreign currencies into United States dollars using the exchange rate in effect on the date of sale of the subject vessel, except that if it is established that a currency transaction on forward markets is directly linked to a sale under consideration, the exchange rate specified with respect to such foreign currency in the forward sale agreement shall be used to convert the foreign currency.

"(b) DATE OF SALE.—For purposes of this section, 'date of sale' means the date of the contract of sale or, where appropriate, the date on which the material terms of sale are otherwise established. If the material terms of sale are significantly changed after such date, the date of sale is the date of such change. In the case of such a change in the date of sale, the administering authority shall make appropriate adjustments to take into account any unreasonable effect on the injurious pricing margin due only to fluctuations in the exchange rate between the original date of sale and the new date of sale.

"Subtitle C—Procedures

"SEC. 841. HEARINGS.

"(a) UPON REQUEST.—The administering authority and the Commission shall each hold a hearing in the course of an investigation under this title, upon the request of any party to the investigation, before making a final determination under section 805.

"(b) PROCEDURES.—Any hearing required or permitted under this title shall be conducted after notice published in the Federal Register, and a transcript of the hearing shall be prepared and made available to the public. The hearing shall not be subject to the provisions of subchapter II of chapter 5 of title 5, United States Code, or to section 702 of such title.

"SEC. 842. DETERMINATIONS ON THE BASIS OF THE FACTS AVAILABLE.

"(a) IN GENERAL.—If—

"(1) necessary information is not available on the record, or

"(2) an interested party or any other person—

"(A) withholds information that has been requested by the administering authority or the Commission under this title,

"(B) fails to provide such information by the deadlines for the submission of the information or in the form and manner requested, subject to subsections (b)(1) and (d) of section 844,

"(C) significantly impedes a proceeding under this title, or

"(D) provides such information but the information cannot be verified as provided in section 844(g),

the administering authority and the Commission shall, subject to section 844(c), use the facts otherwise available in reaching the applicable determination under this title.

"(b) ADVERSE INFERENCES.—If the administering authority or the Commission (as the case may be) finds that an interested party has failed to cooperate by not acting to the best of its ability to comply with a request for information from the administering authority or the Commission, the administering authority or the Commission (as the case may be), in reaching the applicable determination under this title, may use an inference that is adverse to the interests of that party in selecting from among the facts otherwise available. Such adverse inference may include reliance on information derived from—

"(1) the petition, or

"(2) any other information placed on the record.

"(c) CORROBORATION OF SECONDARY INFORMATION.—When the administering authority or the Commission relies on secondary information rather than on information obtained in the course of an investigation under this title, the administering authority and the Commission, as the case may be, shall, to the extent practicable, corroborate that information from independent sources that are reasonably at their disposal.

"SEC. 843. ACCESS TO INFORMATION.

"(a) INFORMATION GENERALLY MADE AVAILABLE.—

"(1) PROGRESS OF INVESTIGATION REPORTS.—The administering authority and the Commission shall, from time to time upon request, inform the parties to an investigation under this title of the progress of that investigation.

"(2) EX PARTE MEETINGS.—The administering authority and the Commission shall maintain a record of any ex parte meeting between—

"(A) interested parties or other persons providing factual information in connection with a proceeding under this title, and

"(B) the person charged with making the determination, or any person charged with making a final recommendation to that person, in connection with that proceeding,

if information relating to that proceeding was presented or discussed at such meeting. The record of such an ex parte meeting shall include the identity of the persons present at the meeting, the date, time, and place of the meeting, and a summary of the matters discussed or submitted. The record of the ex parte meeting shall be included in the record of the proceeding.

"(3) SUMMARIES; NON-PROPRIETARY SUBMISSIONS.—The administering authority and the Commission shall disclose—

"(A) any proprietary information received in the course of a proceeding under this title if it is disclosed in a form which cannot be associated with, or otherwise be used to identify, operations of a particular person, and

"(B) any information submitted in connection with a proceeding which is not designated as proprietary by the person submitting it.

"(4) MAINTENANCE OF PUBLIC RECORD.—The administering authority and the Commission shall maintain and make available for public inspection and copying a record of all information which is obtained by the administering authority or the Commission, as the case may be, in a proceeding under this title to the extent that public disclosure of the information is not prohibited under this chapter or exempt from disclosure under section 552 of title 5, United States Code.

"(b) PROPRIETARY INFORMATION.—

"(1) PROPRIETARY STATUS MAINTAINED.—

"(A) IN GENERAL.—Except as provided in subsection (a)(4) and subsection (c), information submitted to the administering authority or the Commission which is designated as proprietary by the person submitting the information shall

not be disclosed to any person without the consent of the person submitting the information, other than—

"(i) to an officer or employee of the administering authority or the Commission who is directly concerned with carrying out the investigation in connection with which the information is submitted or any other proceeding under this title covering the same subject vessel, or

"(ii) to an officer or employee of the United States Customs Service who is directly involved in conducting an investigation regarding fraud under this title.

"(B) ADDITIONAL REQUIREMENTS.—The administering authority and the Commission shall require that information for which proprietary treatment is requested be accompanied by—

"(i) either—

"(I) a nonproprietary summary in sufficient detail to permit a reasonable understanding of the substance of the information submitted in confidence, or

"(II) a statement that the information is not susceptible to summary, accompanied by a statement of the reasons in support of the contention, and

"(ii) either—

"(I) a statement which permits the administering authority or the Commission to release under administrative protective order, in accordance with subsection (c), the information submitted in confidence, or

"(II) a statement to the administering authority or the Commission that the business proprietary information is of a type that should not be released under administrative protective order.

"(2) UNWARRANTED DESIGNATION.—If the administering authority or the Commission determines, on the basis of the nature and extent of the information or its availability from public sources, that designation of any information as proprietary is unwarranted, then it shall notify the person who submitted it and ask for an explanation of the reasons for the designation. Unless that person persuades the administering authority or the Commission that the designation is warranted, or withdraws the designation, the administering authority or the Commission, as the case may be, shall return it to the party submitting it. In a case in which the administering authority or the Commission returns the information to the person submitting it, the person may thereafter submit other material concerning the subject matter of the returned information if the submission is made within the time otherwise provided for submitting such material.

"(c) LIMITED DISCLOSURE OF CERTAIN PROPRIETARY INFORMATION UNDER PROTECTIVE ORDER.—

"(1) DISCLOSURE BY ADMINISTERING AUTHORITY OR COMMISSION.—

"(A) IN GENERAL.—Upon receipt of an application (before or after receipt of the information requested) which describes in general terms the information requested and sets forth the reasons for the request, the administering authority or the Commission shall make all business proprietary information presented to, or obtained by it, during a proceeding under this title (except privileged information, classified information, and specific information of a type for which there is a clear and compelling need to withhold from disclosure) available to all interested parties who are parties to the proceeding under a protective order described in subparagraph (B), regardless of when the information is submitted during the proceeding. Customer names (other than the name of the United States buyer of the subject vessel) obtained during any investigation which requires a determination under section 805(b) may not be disclosed by the administering authority under protective order until either an order is published under section 806(a) as a result of the investigation or the investigation is suspended or terminated. The Commission may delay disclosure of customer names

(other than the name of the United States buyer of the subject vessel) under protective order during any such investigation until a reasonable time before any hearing provided under section 841 is held.

"(B) PROTECTIVE ORDER.—The protective order under which information is made available shall contain such requirements as the administering authority or the Commission may determine by regulation to be appropriate. The administering authority and the Commission shall provide by regulation for such sanctions as the administering authority and the Commission determine to be appropriate, including disbarment from practice before the agency.

"(C) TIME LIMITATIONS ON DETERMINATIONS.—The administering authority or the Commission, as the case may be, shall determine whether to make information available under this paragraph—

"(i) not later than 14 days (7 days if the submission pertains to a proceeding under section 803(a)) after the date on which the information is submitted, or

"(ii) if—
 "(I) the person submitting the information raises objection to its release, or

"(II) the information is unusually voluminous or complex,
 not later than 30 days (10 days if the submission pertains to a proceeding under section 803(a)) after the date on which the information is submitted.

"(D) AVAILABILITY AFTER DETERMINATION.—If the determination under subparagraph (C) is affirmative, then—

"(i) the business proprietary information submitted to the administering authority or the Commission on or before the date of the determination shall be made available, subject to the terms and conditions of the protective order, on such date, and

"(ii) the business proprietary information submitted to the administering authority or the Commission after the date of the determination shall be served as required by subsection (d).

"(E) FAILURE TO DISCLOSE.—If a person submitting information to the administering authority refuses to disclose business proprietary information which the administering authority determines should be released under a protective order described in subparagraph (B), the administering authority shall return the information, and any nonconfidential summary thereof, to the person submitting the information and summary and shall not consider either.

"(2) DISCLOSURE UNDER COURT ORDER.—If the administering authority or the Commission denies a request for information under paragraph (1), then application may be made to the United States Court of International Trade for an order directing the administering authority or the Commission, as the case may be, to make the information available. After notification of all parties to the investigation and after an opportunity for a hearing on the record, the court may issue an order, under such conditions as the court deems appropriate, which shall not have the effect of stopping or suspending the investigation, directing the administering authority or the Commission to make all or a portion of the requested information described in the preceding sentence available under a protective order and setting forth sanctions for violation of such order if the court finds that, under the standards applicable in proceedings of the court, such an order is warranted, and that—

"(A) the administering authority or the Commission has denied access to the information under subsection (b)(1),

"(B) the person on whose behalf the information is requested is an interested party who is a party to the investigation in connection with which the information was obtained or developed, and

"(C) the party which submitted the information to which the request relates has been notified, in advance of the hearing, of the request made under this section and of its right to appear and be heard.

"(d) SERVICE.—Any party submitting written information, including business proprietary information, to the administering authority or the Commission during a proceeding shall, at the same time, serve the information upon all interested parties who are parties to the proceeding, if the information is covered by a protective order. The administering authority or the Commission shall not accept any such information that is not accompanied by a certificate of service and a copy of the protective order version of the document containing the information. Business proprietary information shall only be served upon interested parties who are parties to the proceeding that are subject to protective order, except that a nonconfidential summary thereof shall be served upon all other interested parties who are parties to the proceeding.

"(e) INFORMATION RELATING TO VIOLATIONS OF PROTECTIVE ORDERS AND SANCTIONS.—The administering authority and the Commission may withhold from disclosure any correspondence, private letters of reprimand, settlement agreements, and documents and files compiled in relation to investigations and actions involving a violation or possible violation of a protective order issued under subsection (c), and such information shall be treated as information described in section 552(b)(3) of title 5, United States Code.

"(f) OPPORTUNITY FOR COMMENT BY VESSEL BUYERS.—The administering authority and the Commission shall provide an opportunity for buyers of subject vessels to submit relevant information to the administering authority concerning a sale at less than fair value or countermeasures, and to the Commission concerning material injury by reason of the sale of a vessel at less than fair value.

"(g) PUBLICATION OF DETERMINATIONS; REQUIREMENTS FOR FINAL DETERMINATIONS.—

"(1) IN GENERAL.—Whenever the administering authority makes a determination under section 802 whether to initiate an investigation, or the administering authority or the Commission makes a preliminary determination under section 803, a final determination under section 805, a determination under subsection (b), (c), (d), (e)(3)(B)(ii), (g), or (i) of section 807, or a determination to suspend an investigation under this title, the administering authority or the Commission, as the case may be, shall publish the facts and conclusions supporting that determination, and shall publish notice of that determination in the Federal Register.

"(2) CONTENTS OF NOTICE OF DETERMINATION.—The notice or determination published under paragraph (1) shall include, to the extent applicable—

"(A) in the case of a determination of the administering authority—

"(i) the names of the foreign producer and the country of origin of the subject vessel,

"(ii) a description sufficient to identify the subject vessel,

"(iii) with respect to an injurious pricing charge, the injurious pricing margin established and a full explanation of the methodology used in establishing such margin,

"(iv) with respect to countermeasures, the scope and duration of countermeasures and, if applicable, any changes thereto, and

"(v) the primary reasons for the determination, and

"(B) in the case of a determination of the Commission—

"(i) considerations relevant to the determination of injury, and

"(ii) the primary reasons for the determination.

"(3) ADDITIONAL REQUIREMENTS FOR FINAL DETERMINATIONS.—In addition to the requirements set forth in paragraph (2)—

"(A) the administering authority shall include in a final determination under section 805 or 807(c) an explanation of the basis for its determination that addresses relevant arguments, made by interested parties who are parties to the investigation, concerning the establishment of the injurious pricing charge with respect to which the determination is made, and

"(B) the Commission shall include in a final determination of injury an explanation of the basis for its determination that addresses relevant arguments that are made by interested parties who are parties to the investigation concerning the effects and impact on the industry of the sale of the subject vessel.

"SEC. 844. CONDUCT OF INVESTIGATIONS.

"(a) CERTIFICATION OF SUBMISSIONS.—Any person providing factual information to the administering authority or the Commission in connection with a proceeding under this title on behalf of the petitioner or any other interested party shall certify that such information is accurate and complete to the best of that person's knowledge.

"(b) DIFFICULTIES IN MEETING REQUIREMENTS.—

"(1) NOTIFICATION BY INTERESTED PARTY.—If an interested party, promptly after receiving a request from the administering authority or the Commission for information, notifies the administering authority or the Commission (as the case may be) that such party is unable to submit the information requested in the requested form and manner, together with a full explanation and suggested alternative forms in which such party is able to submit the information, the administering authority or the Commission (as the case may be) shall consider the ability of the interested party to submit the information in the requested form and manner and may modify such requirements to the extent necessary to avoid imposing an unreasonable burden on that party.

"(2) ASSISTANCE TO INTERESTED PARTIES.—The administering authority and the Commission shall take into account any difficulties experienced by interested parties, particularly small companies, in supplying information requested by the administering authority or the Commission in connection with investigations under this title, and shall provide to such interested parties any assistance that is practicable in supplying such information.

"(c) DEFICIENT SUBMISSIONS.—If the administering authority or the Commission determines that a response to a request for information under this title does not comply with the request, the administering authority or the Commission (as the case may be) shall promptly inform the person submitting the response of the nature of the deficiency and shall, to the extent practicable, provide that person with an opportunity to remedy or explain the deficiency in light of the time limits established for the completion of investigations or reviews under this title. If that person submits further information in response to such deficiency and either—

"(1) the administering authority or the Commission (as the case may be) finds that such response is not satisfactory, or

"(2) such response is not submitted within the applicable time limits,
 then the administering authority or the Commission (as the case may be) may, subject to subsection (d), disregard all or part of the original and subsequent responses.

"(d) USE OF CERTAIN INFORMATION.—In reaching a determination under section 803, 805, or 807, the administering authority and the Commission shall not decline to consider information that is submitted by an interested party

and is necessary to the determination but does not meet all the applicable requirements established by the administering authority or the Commission if—

"(1) the information is submitted by the deadline established for its submission,

"(2) the information can be verified,

"(3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination,

"(4) the interested party has demonstrated that it acted to the best of its ability in providing the information and meeting the requirements established by the administering authority or the Commission with respect to the information, and

"(5) the information can be used without undue difficulties.

"(e) NONACCEPTANCE OF SUBMISSIONS.—If the administering authority or the Commission declines to accept into the record any information submitted in an investigation under this title, it shall, to the extent practicable, provide to the person submitting the information a written explanation of the reasons for not accepting the information.

"(f) PUBLIC COMMENT ON INFORMATION.—Information that is submitted on a timely basis to the administering authority or the Commission during the course of a proceeding under this title shall be subject to comment by other parties within such reasonable time as the administering authority or the Commission shall provide. The administering authority and the Commission, before making a final determination under section 805 or 807, shall cease collecting information and shall provide the parties with a final opportunity to comment on the information obtained by the administering authority or the Commission (as the case may be) upon which the parties have not previously had an opportunity to comment. Comments containing new factual information shall be disregarded.

"(g) VERIFICATION.—The administering authority shall verify all information relied upon in making a final determination under section 805.

"SEC. 845. ADMINISTRATIVE ACTION FOLLOWING SHIPBUILDING AGREEMENT PANEL REPORTS.

"(a) ACTION BY UNITED STATES INTERNATIONAL TRADE COMMISSION.—

"(1) ADVISORY REPORT.—If a dispute settlement panel under the Shipbuilding Agreement finds in a report that an action by the Commission in connection with a particular proceeding under this title is not in conformity with the obligations of the United States under the Shipbuilding Agreement, the Trade Representative may request the Commission to issue an advisory report on whether this title permits the Commission to take steps in connection with the particular proceeding that would render its action not inconsistent with the findings of the panel concerning those obligations. The Trade Representative shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate of such request.

"(2) TIME LIMITS FOR REPORT.—The Commission shall transmit its report under paragraph (1) to the Trade Representative within 30 calendar days after the Trade Representative requests the report.

"(3) CONSULTATIONS ON REQUEST FOR COMMISSION DETERMINATION.—If a majority of the Commissioners issues an affirmative report under paragraph (1), the Trade Representatives shall consult with the congressional committees listed in paragraph (1) concerning the matter.

"(4) COMMISSION DETERMINATION.—Notwithstanding any other provision of this title, if a majority of the Commissioners issues an affirmative report under paragraph (1), the Commis-

sion, upon the written request of the Trade Representative, shall issue a determination in connection with the particular proceeding that would render the Commission's action described in paragraph (1) not inconsistent with the findings of the panel. The Commission shall issue its determination not later than 120 calendar days after the request from the Trade Representative is made.

"(5) CONSULTATIONS ON IMPLEMENTATION OF COMMISSION DETERMINATION.—The Trade Representative shall consult with the congressional committees listed in paragraph (1) before the Commission's determination under paragraph (4) is implemented.

"(6) REVOCATION OF ORDER.—If, by virtue of the Commission's determination under paragraph (4), an injurious pricing order is no longer supported by an affirmative Commission determination under this title, the Trade Representative may, after consulting with the congressional committees under paragraph (5), direct the administering authority to revoke the injurious pricing order.

"(b) ACTION BY ADMINISTERING AUTHORITY.—

"(1) CONSULTATIONS WITH ADMINISTERING AUTHORITY AND CONGRESSIONAL COMMITTEES.—Promptly after a report or other determination by a dispute settlement panel under the Shipbuilding Agreement is issued that contains findings that—

"(A) an action by the administering authority in a proceeding under this title is not in conformity with the obligations of the United States under the Shipbuilding Agreement,

"(B) the due date for payment of an injurious pricing charge contained in an order issued under section 806 should be amended,

"(C) countermeasures provided for in an order issued under section 807 should be provisionally suspended or reduced pending the final decision of the panel, or

"(D) the scope or duration of countermeasures imposed under section 807 should be narrowed or shortened,

the Trade Representative shall consult with the administering authority and the congressional committees listed in subsection (a)(1) on the matter.

"(2) DETERMINATION BY ADMINISTERING AUTHORITY.—Notwithstanding any other provision of this title, the administering authority shall, in response to a written request from the Trade Representative, issue a determination, or an amendment to or suspension of an injurious pricing or countermeasure order, as the case may be, in connection with the particular proceeding that would render the administering authority's action described in paragraph (1) not inconsistent with the findings of the panel.

"(3) TIME LIMITS FOR DETERMINATIONS.—The administering authority shall issue its determination, amendment, or suspension under paragraph (2)—

"(A) with respect to a matter described in subparagraph (A) of paragraph (1), within 180 calendar days after the request from the Trade Representative is made, and

"(B) with respect to a matter described in subparagraph (B), (C), or (D) of paragraph (1), within 15 calendar days after the request from the Trade Representative is made.

"(4) CONSULTATIONS BEFORE IMPLEMENTATION.—Before the administering authority implements any determination, amendment, or suspension under paragraph (2), the Trade Representative shall consult with the administering authority and the congressional committees listed in subsection (a)(1) with respect to such determination, amendment, or suspension.

"(5) IMPLEMENTATION OF DETERMINATION.—The Trade Representative may, after consulting with the administering authority and the congressional committees under paragraph (4), di-

rect the administering authority to implement, in whole or in part, the determination, amendment, or suspension made under paragraph (2).

"(6) IMPLEMENTATION OF DETERMINATION; NOTICE OF IMPLEMENTATION.—The administering authority shall implement the determination, amendment, or suspension under paragraph (2)—

"(A) with respect to a matter described in subparagraph (A) of paragraph (1), only if the injurious pricing margin determined under paragraph (2) differs from the injurious pricing margin in the determination reviewed by the panel, and

"(B) with respect to a matter described in subparagraph (B), (C), or (D) of paragraph (1), upon issuance of the determination, amendment, or suspension under paragraph (2).

The administering authority shall publish notice of such implementation in the Federal Register.

"(c) OPPORTUNITY FOR COMMENT BY INTERESTED PARTIES.—Before issuing a determination, amendment, or suspension, the administering authority, in a matter described in subsection (b)(1)(A), or the Commission, in a matter described in subsection (a)(1), as the case may be, shall provide interested parties with an opportunity to submit written comments and, in appropriate cases, may hold a hearing, with respect to the determination.

"Subtitle D—Definitions

"SEC. 861. DEFINITIONS.

"For purposes of this title:

"(1) ADMINISTERING AUTHORITY.—The term 'administering authority' means the Secretary of Commerce, or any other officer of the United States to whom the responsibility for carrying out the duties of the administering authority under this title are transferred by law.

"(2) COMMISSION.—The term 'Commission' means the United States International Trade Commission.

"(3) COUNTRY.—The term 'country' means a foreign country, a political subdivision, dependent territory, or possession of a foreign country and, except as provided in paragraph (16)(E)(iii), may not include an association of 2 or more foreign countries, political subdivisions, dependent territories, or possessions of countries into a customs union outside the United States.

"(4) INDUSTRY.—

"(A) IN GENERAL.—Except as used in section 808, the term 'industry' means the producers as a whole of a domestic like vessel, or those producers whose collective capability to produce a domestic like vessel constitutes a major proportion of the total domestic capability to produce a domestic like vessel.

"(B) PRODUCER.—A 'producer' of a domestic like vessel includes an entity that is producing the domestic like vessel and an entity with the capability to produce the domestic like vessel.

"(C) CAPABILITY TO PRODUCE A DOMESTIC LIKE VESSEL.—A producer has the 'capability to produce a domestic like vessel' if it is capable of producing a domestic like vessel with its present facilities or could adapt its facilities in a timely manner to produce a domestic like vessel.

"(D) RELATED PARTIES.—(i) In an investigation under this title, if a producer of a domestic like vessel and the foreign producer, seller (other than the foreign producer), or United States buyer of the subject vessel are related parties, or if a producer of a domestic like vessel is also a United States buyer of the subject vessel, the domestic producer may, in appropriate circumstances, be excluded from the industry.

"(ii) For purposes of clause (i), a domestic producer and the foreign producer, seller, or United States buyer shall be considered to be related parties, if—

"(1) the domestic producer directly or indirectly controls the foreign producer, seller or United States buyer,

"(II) the foreign producer, seller, or United States buyer directly or indirectly controls the domestic producer,

"(III) a third party directly or indirectly controls the domestic producer and the foreign producer, seller, or United States buyer, or

"(IV) the domestic producer and the foreign producer, seller, or United States buyer directly or indirectly control a third party and there is reason to believe that the relationship causes the producer to act differently than a non-related producer.

For purposes of this subparagraph, a party shall be considered to directly or indirectly control another party if the party is legally or operationally in a position to exercise restraint or direction over the other party.

"(E) **PRODUCT LINES.**—In an investigation under this title, the effect of the sale of the subject vessel shall be assessed in relation to the United States production (or production capability) of a domestic like vessel if available data permit the separate identification of production (or production capability) in terms of such criteria as the production process or the producer's profits. If the domestic production (or production capability) of a domestic like vessel has no separate identity in terms of such criteria, then the effect of the sale shall be assessed by the examination of the production (or production capability) of the narrowest group or range of vessels, which includes a domestic like vessel, for which the necessary information can be provided.

"(5) **BUYER.**—The term 'buyer' means any person who acquires an ownership interest in a vessel, including by way of lease or long-term bareboat charter, in conjunction with the original transfer from the producer, either directly or indirectly, including an individual or company which owns or controls a buyer. There may be more than one buyer of any one vessel.

"(6) **UNITED STATES BUYER.**—The term 'United States buyer' means a buyer that is any of the following:

"(A) A United States citizen.

"(B) A juridical entity, including any corporation, company, association, or other organization, that is legally constituted under the laws and regulations of the United States or a political subdivision thereof, regardless of whether the entity is organized for pecuniary gain, privately or government owned, or organized with limited or unlimited liability.

"(C) A juridical entity that is owned or controlled by nationals or entities described in subparagraphs (A) and (B). For the purposes of this subparagraph—

"(i) the term 'own' means having more than a 50 percent interest, and

"(ii) the term 'control' means the actual ability to have substantial influence on corporate behavior, and control is presumed to exist where there is at least a 25 percent interest.

If ownership of a company is established under clause (i), other control is presumed not to exist unless it is otherwise established.

"(7) **OWNERSHIP INTEREST.**—An 'ownership interest' in a vessel includes any contractual or proprietary interest which allows the beneficiary or beneficiaries of such interest to take advantage of the operation of the vessel in a manner substantially comparable to the way in which an owner may benefit from the operation of the vessel. In determining whether such substantial comparability exists, the administering authority shall consider—

"(A) the terms and circumstances of the transaction which conveys the interest,

"(B) commercial practice,

"(C) whether the vessel subject to the transaction is integrated into the operations of the beneficiary or beneficiaries, and

"(D) whether in practice there is a likelihood that the beneficiary or beneficiaries of such in-

terests will take advantage of and the risk for the operation of the vessel for a significant part of the life-time of the vessel.

"(8) **VESSEL.**—

"(A) **IN GENERAL.**—Except as otherwise specifically provided under international agreements, the term 'vessel' means—

"(i) a self-propelled seagoing vessel of 100 gross tons or more used for transportation of goods or persons or for performance of a specialized service (including, but not limited to, ice breakers and dredgers), and

"(ii) a tug of 365 kilowatts or more, that is produced in a Shipbuilding Agreement Party or a country that is not a Shipbuilding Agreement Party and not a WTO member.

"(B) **EXCLUSIONS.**—The term 'vessel' does not include—

"(i) any fishing vessel destined for the fishing fleet of the country in which the vessel is built,

"(ii) any military vessel, and

"(iii) any vessel sold before the date that the Shipbuilding Agreement enters into force with respect to the United States, except that any vessel sold after December 21, 1994, for delivery more than 5 years after the date of the contract of sale shall be a 'vessel' for purposes of this title unless the shipbuilder demonstrates to the administering authority that the extended delivery date was for normal commercial reasons and not to avoid applicability of this title.

"(C) **SELF-PROPELLED SEAGOING VESSEL.**—A vessel is 'self-propelled seagoing' if its permanent propulsion and steering provide it all the characteristics of self-navigability in the high seas.

"(D) **MILITARY VESSEL.**—A 'military vessel' is a vessel which, according to its basic structural characteristics and ability, is intended to be used exclusively for military purposes.

"(9) **LIKE VESSEL.**—The term 'like vessel' means a vessel of the same type, same purpose, and approximate size as the subject vessel and possessing characteristics closely resembling those of the subject vessel.

"(10) **DOMESTIC LIKE VESSEL.**—The term 'domestic like vessel' means a like vessel produced in the United States.

"(11) **FOREIGN LIKE VESSEL.**—Except as used in section 822(e)(1)(B)(ii)(II), the term 'foreign like vessel' means a like vessel produced by the foreign producer of the subject vessel for sale in the producer's domestic market or in a third country.

"(12) **SAME GENERAL CATEGORY OF VESSEL.**—The term 'same general category of vessel' means a vessel of the same type and purpose as the subject vessel, but of a significantly different size.

"(13) **SUBJECT VESSEL.**—The term 'subject vessel' means a vessel subject to investigation under section 801 or 808.

"(14) **FOREIGN PRODUCER.**—The term 'foreign producer' means the producer or producers of the subject vessel.

"(15) **EXPORTING COUNTRY.**—The term 'exporting country' means the country in which the subject vessel was built.

"(16) **MATERIAL INJURY.**—

"(A) **IN GENERAL.**—The term 'material injury' means harm which is not inconsequential, immaterial, or unimportant.

"(B) **SALE AND CONSEQUENT IMPACT.**—In making determinations under sections 803(a) and 805(b), the Commission in each case—

"(i) shall consider—

"(I) the sale of the subject vessel,

"(II) the effect of the sale of the subject vessel on prices in the United States for a domestic like vessel, and

"(III) the impact of the sale of the subject vessel on domestic producers of the domestic like vessel, but only in the context of production operations within the United States, and

"(ii) may consider such other economic factors as are relevant to the determination regarding whether there is or has been material injury by reason of the sale of the subject vessel.

In the notification required under section 805(d), the Commission shall explain its analysis of each factor considered under clause (i), and identify each factor considered under clause (ii) and explain in full its relevance to the determination.

"(C) **EVALUATION OF RELEVANT FACTORS.**—For purposes of subparagraph (B)—

"(i) **SALE OF THE SUBJECT VESSEL.**—In evaluating the sale of the subject vessel, the Commission shall consider whether the sale, either in absolute terms or relative to production or demand in the United States, in terms of either volume or value, is or has been significant.

"(ii) **PRICE.**—In evaluating the effect of the sale of the subject vessel on prices, the Commission shall consider whether—

"(I) there has been significant price underselling of the subject vessel as compared with the price of a domestic like vessel, and

"(II) the effect of the sale of the subject vessel otherwise depresses or has depressed prices to a significant degree or prevents or has prevented price increases, which otherwise would have occurred, to a significant degree.

"(iii) **IMPACT ON AFFECTED DOMESTIC INDUSTRY.**—In examining the impact required to be considered under subparagraph (B)(i)(III), the Commission shall evaluate all relevant economic factors which have a bearing on the state of the industry in the United States, including, but not limited to—

"(I) actual and potential decline in output, sales, market share, profits, productivity, return on investments, and utilization of capacity,

"(II) factors affecting domestic prices, including with regard to sales,

"(III) actual and potential negative effects on cash flow, employment, wages, growth, ability to raise capital, and investment,

"(IV) actual and potential negative effects on the existing development and production efforts of the domestic industry, including efforts to develop a derivative or more advanced version of a domestic like vessel, and

"(V) the magnitude of the injurious pricing margin.

The Commission shall evaluate all relevant economic factors described in this clause within the context of the business cycle and conditions of competition that are distinctive to the affected industry.

"(D) **STANDARD FOR DETERMINATION.**—The presence or absence of any factor which the Commission is required to evaluate under subparagraph (C) shall not necessarily give decisive guidance with respect to the determination by the Commission of material injury.

"(E) **THREAT OF MATERIAL INJURY.**—

"(i) **IN GENERAL.**—In determining whether an industry in the United States is threatened with material injury by reason of the sale of the subject vessel, the Commission shall consider, among other relevant economic factors—

"(I) any existing unused production capacity or imminent, substantial increase in production capacity in the exporting country indicating the likelihood of substantially increased sales of a foreign like vessel to United States buyers, taking into account the availability of other export markets to absorb any additional exports,

"(II) whether the sale of a foreign like vessel or other factors indicate the likelihood of significant additional sales to United States buyers,

"(III) whether sale of the subject vessel or sale of a foreign like vessel by the foreign producer are at prices that are likely to have a significant depressing or suppressing effect on domestic prices, and are likely to increase demand for further sales,

"(IV) the potential for product-shifting if production facilities in the exporting country, which can presently be used to produce a foreign like vessel or could be adapted in a timely manner to produce a foreign like vessel, are currently being used to produce other types of vessels,

"(V) the actual and potential negative effects on the existing development and production efforts of the domestic industry, including efforts to develop a derivative or more advanced version of a domestic like vessel, and

"(VI) any other demonstrable adverse trends that indicate the probability that there is likely to be material injury by reason of the sale of the subject vessel.

"(ii) **BASIS FOR DETERMINATION.**—The Commission shall consider the factors set forth in clause (i) as a whole. The presence or absence of any factor which the Commission is required to consider under clause (i) shall not necessarily give decisive guidance with respect to the determination. Such a determination may not be made on the basis of mere conjecture or supposition.

"(iii) **EFFECT OF INJURIOUS PRICING IN THIRD-COUNTRY MARKETS.**—

"(I) **IN GENERAL.**—The Commission shall consider whether injurious pricing in the markets of foreign countries (as evidenced by injurious pricing findings or injurious pricing remedies of other Shipbuilding Agreement Parties, or anti-dumping determinations of, or measures imposed by, other countries, against a like vessel produced by the producer under investigation) suggests a threat of material injury to the domestic industry. In the course of its investigation, the Commission shall request information from the foreign producer or United States buyer concerning this issue.

"(II) **EUROPEAN COMMUNITIES.**—For purposes of this clause, the European Communities as a whole shall be treated as a single foreign country.

"(F) **CUMULATION FOR DETERMINING MATERIAL INJURY.**—

"(i) **IN GENERAL.**—For purposes of clauses (i) and (ii) of subparagraph (C), and subject to clause (ii) of this subparagraph, the Commission shall cumulatively assess the effects of sales of foreign like vessels from all foreign producers with respect to which—

"(I) petitions were filed under section 802(b) on the same day,

"(II) investigations were initiated under section 802(a) on the same day, or

"(III) petitions were filed under section 802(b) and investigations were initiated under section 802(a) on the same day,

if, with respect to such vessels, the foreign producers compete with each other and with producers of a domestic like vessel in the United States market.

"(ii) **EXCEPTIONS.**—The Commission shall not cumulatively assess the effects of sales under clause (i)—

"(I) with respect to which the administering authority has made a preliminary negative determination, unless the administering authority subsequently made a final affirmative determination with respect to those sales before the Commission's final determination is made, or

"(II) from any producer with respect to which the investigation has been terminated.

"(iii) **RECORDS IN FINAL INVESTIGATIONS.**—In each final determination in which it cumulatively assesses the effects of sales under clause (i), the Commission may make its determinations based on the record compiled in the first investigation in which it makes a final determination, except that when the administering authority issues its final determination in a subsequently completed investigation, the Commission shall permit the parties in the subsequent inves-

tigation to submit comments concerning the significance of the administering authority's final determination, and shall include such comments and the administering authority's final determination in the record for the subsequent investigation.

"(G) **CUMULATION FOR DETERMINING THREAT OF MATERIAL INJURY.**—To the extent practicable and subject to subparagraph (F)(ii), for purposes of clause (i) (II) and (III) of subparagraph (E), the Commission may cumulatively assess the effects of sales of like vessels from all countries with respect to which—

"(i) petitions were filed under section 802(b) on the same day,

"(ii) investigations were initiated under section 802(a) on the same day, or

"(iii) petitions were filed under section 802(b) and investigations were initiated under section 802(a) on the same day,

if, with respect to such vessels, the foreign producers compete with each other and with producers of a domestic like vessel in the United States market.

"(17) **INTERESTED PARTY.**—The term 'interested party' means, in a proceeding under this title—

"(A)(i) the foreign producer, seller (other than the foreign producer), and the United States buyer of the subject vessel, or

"(ii) a trade or business association a majority of the members of which are the foreign producer, seller, or United States buyer of the subject vessel,

"(B) the government of the country in which the subject vessel is produced or manufactured,

"(C) a producer that is a member of an industry,

"(D) a certified union or recognized union or group of workers which is representative of an industry,

"(E) a trade or business association a majority of whose members are producers in an industry,

"(F) an association, a majority of whose members is composed of interested parties described in subparagraph (C), (D), or (E), and

"(G) for purposes of section 807, a purchaser who, after the effective date of an order issued under that section, entered into a contract of sale with the foreign producer that is subject to the order.

"(18) **AFFIRMATIVE DETERMINATIONS BY DIVIDED COMMISSION.**—If the Commissioners voting on a determination by the Commission are evenly divided as to whether the determination should be affirmative or negative, the Commission shall be deemed to have made an affirmative determination. For the purpose of applying this paragraph when the issue before the Commission is to determine whether there is or has been—

"(A) material injury to an industry in the United States,

"(B) threat of material injury to such an industry, or

"(C) material retardation of the establishment of an industry in the United States,

by reason of the sale of the subject vessel, an affirmative vote on any of the issues shall be treated as a vote that the determination should be affirmative.

"(19) **ORDINARY COURSE OF TRADE.**—The term 'ordinary course of trade' means the conditions and practices which, for a reasonable time before the sale of the subject vessel, have been normal in the shipbuilding industry with respect to a like vessel. The administering authority shall consider the following sales and transactions, among others, to be outside the ordinary course of trade:

"(A) Sales disregarded under section 822(b)(1).

"(B) Transactions disregarded under section 822(f)(2).

"(20) **NONMARKET ECONOMY COUNTRY.**—

"(A) **IN GENERAL.**—The term 'nonmarket economy country' means any foreign country that the administering authority determines does not operate on market principles of cost or pricing structures, so that sales of vessels in such country do not reflect the fair value of the vessels.

"(B) **FACTORS TO BE CONSIDERED.**—In making determinations under subparagraph (A) the administering authority shall take into account—

"(i) the extent to which the currency of the foreign country is convertible into the currency of other countries,

"(ii) the extent to which wage rates in the foreign country are determined by free bargaining between labor and management,

"(iii) the extent to which joint ventures or other investments by firms of other foreign countries are permitted in the foreign country,

"(iv) the extent of government ownership or control of the means of production,

"(v) the extent of government control over the allocation of resources and over the price and output decisions of enterprises, and

"(vi) such other factors as the administering authority considers appropriate.

"(C) **DETERMINATION IN EFFECT.**—

"(i) Any determination that a foreign country is a nonmarket economy country shall remain in effect until revoked by the administering authority.

"(ii) The administering authority may make a determination under subparagraph (A) with respect to any foreign country at any time.

"(D) **DETERMINATIONS NOT IN ISSUE.**—Notwithstanding any other provision of law, any determination made by the administering authority under subparagraph (A) shall not be subject to judicial review in any investigation conducted under subtitle A.

"(21) **SHIPBUILDING AGREEMENT.**—The term 'Shipbuilding Agreement' means The Agreement Respecting Normal Competitive Conditions in the Commercial Shipbuilding and Repair Industry, resulting from negotiations under the auspices of the Organization for Economic Cooperation and Development, and entered into on December 21, 1994.

"(22) **SHIPBUILDING AGREEMENT PARTY.**—The term 'Shipbuilding Agreement Party' means a state or separate customs territory that is a Party to the Shipbuilding Agreement, and with respect to which the United States applies the Shipbuilding Agreement.

"(23) **WTO AGREEMENT.**—The term 'WTO Agreement' means the Agreement defined in section 2(9) of the Uruguay Round Agreements Act.

"(24) **WTO MEMBER.**—The term 'WTO member' means a state, or separate customs territory (within the meaning of Article XII of the WTO Agreement), with respect to which the United States applies the WTO Agreement.

"(25) **TRADE REPRESENTATIVE.**—The term 'Trade Representative' means the United States Trade Representative.

"(26) **AFFILIATED PERSONS.**—The following persons shall be considered to be 'affiliated' or 'affiliated persons':

"(A) Members of a family, including brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants.

"(B) Any officer or director of an organization and such organization.

"(C) Partners.

"(D) Employer and employee.

"(E) Any person directly or indirectly owning, controlling, or holding with power to vote, 5 percent or more of the outstanding voting stock or shares of any organization, and such organization.

"(F) Two or more persons directly or indirectly controlling, controlled by, or under common control with, any person.

"(G) Any person who controls any other person, and such other person.

For purposes of this paragraph, a person shall be considered to control another person if the person is legally or operationally in a position to exercise restraint or direction over the other person.

"(27) INJURIOUS PRICING.—The term 'injuriously pricing' refers to the sale of a vessel at less than fair value.

"(28) INJURIOUS PRICING MARGIN.—

"(A) IN GENERAL.—The term 'injuriously pricing margin' means the amount by which the normal value exceeds the export price of the subject vessel.

"(B) MAGNITUDE OF THE INJURIOUS PRICING MARGIN.—The magnitude of the injurious pricing margin used by the Commission shall be—

"(i) in making a preliminary determination under section 803(a) in an investigation (including any investigation in which the Commission cumulatively assesses the effect of sales under paragraph (16)(F)(i)), the injurious pricing margin or margins published by the administering authority in its notice of initiation of the investigation; and

"(ii) in making a final determination under section 805(b), the injurious pricing margin or margins most recently published by the administering authority before the closing of the Commission's administrative record.

"(29) COMMERCIAL INTEREST REFERENCE RATE.—The term 'Commercial Interest Reference Rate' or 'CIRR' means an interest rate that the administering authority determines to be consistent with Annex III, and appendices and notes thereto, of the Understanding on Export Credits for Ships, resulting from negotiations under the auspices of the Organization for Economic Cooperation, and entered into on December 21, 1994.

"(30) ANTIDUMPING.—

"(A) WTO MEMBERS.—In the case of a WTO member, the term 'antidumping' refers to action taken pursuant to the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994.

"(B) OTHER CASES.—In the case of any country that is not a WTO member, the term 'antidumping' refers to action taken by the country against the sale of a vessel at less than fair value that is comparable to action described in subparagraph (A).

"(31) BROAD MULTIPLE BID.—The term 'broad multiple bid' means a bid in which the proposed buyer extends an invitation to at least all the producers in the industry known by the buyer to be capable of building the subject vessel."

SEC. 102. ENFORCEMENT OF COUNTERMEASURES.

Part II of title IV of the Tariff Act of 1930 is amended by adding at the end the following:

"SEC. 468. SHIPBUILDING AGREEMENT COUNTERMEASURES.

"(a) IN GENERAL.—Notwithstanding any other provision of law, upon receiving from the Secretary of Commerce a list of vessels subject to countermeasures under section 807, the Customs Service shall deny any request for a permit to lade or unlade passengers, merchandise, or baggage from or onto those vessels so listed.

"(b) EXCEPTIONS.—Subsection (a) shall not be applied to deny a permit for the following:

"(1) To unlade any United States citizen or permanent legal resident alien from a vessel included in the list described in subsection (a), or to unlade any refugee or any alien who would otherwise be eligible to apply for asylum and withholding of deportation under the Immigration and Nationality Act.

"(2) To lade or unlade any crewmember of such vessel.

"(3) To lade or unlade coal and other fuel supplies (for the operation of the listed vessel), ships' stores, sea stores, and the legitimate equipment of such vessel.

"(4) To lade or unlade supplies for the use or sale on such vessel.

"(5) To lade or unlade such other merchandise, baggage, or passenger as the Customs Service shall determine necessary to protect the immediate health, safety, or welfare of a human being.

"(c) CORRECTION OF MINISTERIAL OR CLERICAL ERRORS.—

"(1) PETITION FOR CORRECTION.—If the master of any vessel whose application for a permit to lade or unlade has been denied under this section believes that such denial resulted from a ministerial or clerical error, not amounting to a mistake of law, committed by any Customs officer, the master may petition the Customs Service for correction of such error, as provided by regulation.

"(2) INAPPLICABILITY OF SECTIONS 514 AND 520.—Notwithstanding paragraph (1), imposition of countermeasures under this section shall not be deemed an exclusion or other protestable decision under section 514, and shall not be subject to correction under section 520.

"(3) PETITIONS SEEKING ADMINISTRATIVE REVIEW.—Any petition seeking administrative review of any matter regarding the Secretary of Commerce's decision to list a vessel under section 807 must be brought under that section.

"(d) PENALTIES.—In addition to any other provision of law, the Customs Service may impose a civil penalty of not to exceed \$10,000 against the master of any vessel—

"(1) who submits false information in requesting any permit to lade or unlade; or

"(2) who attempts to, or actually does, lade or unlade in violation of any denial of such permit under this section."

SEC. 103. JUDICIAL REVIEW IN INJURIOUS PRICING AND COUNTERMEASURE PROCEEDINGS.

(a) JUDICIAL REVIEW.—Part III of title IV of the Tariff Act of 1930 is amended by inserting after section 516A the following:

"SEC. 516B. JUDICIAL REVIEW IN INJURIOUS PRICING AND COUNTERMEASURE PROCEEDINGS.

"(a) REVIEW OF DETERMINATION.—

"(1) IN GENERAL.—Within 30 days after the date of publication in the Federal Register of—

"(A)(i) a determination by the administering authority under section 802(c) not to initiate an investigation,

"(ii) a negative determination by the Commission under section 803(a) as to whether there is or has been reasonable indication of material injury, threat of material injury, or material retardation,

"(iii) a determination by the administering authority to suspend or revoke an injurious pricing order under section 806(d) or (e),

"(iv) a determination by the administering authority under section 807(c),

"(v) a determination by the administering authority in a review under section 807(d),

"(vi) a determination by the administering authority concerning whether to extend the scope or duration of a countermeasure order under section 807(e)(3)(B)(ii),

"(vii) a determination by the administering authority to amend a countermeasure order under section 807(e)(6),

"(viii) a determination by the administering authority in a review under section 807(g),

"(ix) a determination by the administering authority under section 807(i) to terminate proceedings, or to amend or revoke a countermeasure order,

"(x) a determination by the administering authority under section 845(b), with respect to a matter described in paragraph (1)(D) of that section, or

"(B)(i) an injurious pricing order based on a determination described in subparagraph (A) of paragraph (2),

"(ii) notice of a determination described in subparagraph (B) of paragraph (2),

"(iii) notice of implementation of a determination described in subparagraph (C) of paragraph (2), or

"(iv) notice of revocation of an injurious pricing order based on a determination described in subparagraph (D) of paragraph (2), an interested party who is a party to the proceeding in connection with which the matter arises may commence an action in the United States Court of International Trade by filing concurrently a summons and complaint, each with the content and in the form, manner, and style prescribed by the rules of that court, contesting any factual findings or legal conclusions upon which the determination is based.

"(2) REVIEWABLE DETERMINATIONS.—The determinations referred to in paragraph (1)(B) are—

"(A) a final affirmative determination by the administering authority or by the Commission under section 805, including any negative part of such a determination (other than a part referred to in subparagraph (B)),

"(B) a final negative determination by the administering authority or the Commission under section 805,

"(C) a determination by the administering authority under section 845(b), with respect to a matter described in paragraph (1)(A) of that section, and

"(D) a determination by the Commission under section 845(a) that results in the revocation of an injurious pricing order.

"(3) EXCEPTION.—Notwithstanding the 30-day limitation imposed by paragraph (1) with regard to an order described in paragraph (1)(B)(i), a final affirmative determination by the administering authority under section 805 may be contested by commencing an action, in accordance with the provisions of paragraph (1), within 30 days after the date of publication in the Federal Register of a final negative determination by the Commission under section 805.

"(4) PROCEDURES AND FEES.—The procedures and fees set forth in chapter 169 of title 28, United States Code, apply to an action under this section.

"(b) STANDARDS OF REVIEW.—

"(1) REMEDY.—The court shall hold unlawful any determination, finding, or conclusion found—

"(A) in an action brought under subparagraph (A) of subsection (a)(1), to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, or

"(B) in an action brought under subparagraph (B) of subsection (a)(1), to be unsupported by substantial evidence on the record, or otherwise not in accordance with law.

"(2) RECORD FOR REVIEW.—

"(A) IN GENERAL.—For purposes of this subsection, the record, unless otherwise stipulated by the parties, shall consist of—

"(i) a copy of all information presented to or obtained by the administering authority or the Commission during the course of the administrative proceeding, including all governmental memoranda pertaining to the case and the record of ex parte meetings required to be kept by section 843(a)(2); and

"(ii) a copy of the determination, all transcripts or records of conferences or hearings, and all notices published in the Federal Register.

"(B) CONFIDENTIAL OR PRIVILEGED MATERIAL.—The confidential or privileged status accorded to any documents, comments, or information shall be preserved in any action under this section. Notwithstanding the preceding sentence, the court may examine, in camera, the confidential or privileged material, and may disclose such material under such terms and conditions as it may order.

"(c) **STANDING.**—Any interested party who was a party to the proceeding under title VIII shall have the right to appear and be heard as a party in interest before the United States Court of International Trade in an action under this section. The party filing the action shall notify all such interested parties of the filing of an action under this section, in the form, manner, and within the time prescribed by rules of the court.

"(d) **DEFINITIONS.**—For purposes of this section:

"(1) **ADMINISTERING AUTHORITY.**—The term 'administering authority' has the meaning given that term in section 861(1).

"(2) **COMMISSION.**—The term 'Commission' means the United States International Trade Commission.

"(3) **INTERESTED PARTY.**—The term 'interested party' means any person described in section 861(17)."

(b) CONFORMING AMENDMENTS.—

(1) **JURISDICTION OF THE COURT.**—Section 1581(c) of title 28, United States Code, is amended by inserting "or 516B" after "section 516A".

(2) **RELIEF.**—Section 2643 of title 28, United States Code, is amended—

(A) in subsection (c)(1) by striking "and (5)" and inserting "(5), and (6)"; and

(B) in subsection (c) by adding at the end the following new paragraph:

"(6) In any civil action under section 516B of the Tariff Act of 1930, the Court of International Trade may not issue injunctions or any other form of equitable relief, except with regard to implementation of a countermeasure order under section 468 of that Act, upon a proper showing that such relief is warranted."

TITLE II—OTHER PROVISIONS

SEC. 201. EQUIPMENT AND REPAIR OF VESSELS.

Section 466 of the Tariff Act of 1930 (19 U.S.C. 1466), is amended by adding at the end the following new subsection:

"(i) The duty imposed by subsection (a) shall not apply with respect to activities occurring in a Shipbuilding Agreement Party, as defined in section 861(22), with respect to—

"(1) self-propelled seagoing vessels of 100 gross tons or more that are used for transportation of goods or persons or for performance of a specialized service (including, but not limited to, ice breakers and dredges), and

"(2) tugs of 365 kilowatts or more.

A vessel shall be considered 'self-propelled seagoing' if its permanent propulsion and steering provide it all the characteristics of self-navigability in the high seas."

SEC. 202. EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.

No person other than the United States—

(1) shall have any cause of action or defense under the Shipbuilding Agreement or by virtue of congressional approval of the agreement, or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, the District of Columbia, any State, any political subdivision of a State, or any territory or possession of the United States on the ground that such action or inaction is inconsistent with such agreement.

SEC. 203. IMPLEMENTING REGULATIONS.

After the date of the enactment of this Act, the heads of agencies with functions under this Act and the amendments made by this Act may issue such regulations as may be necessary to ensure that this Act is appropriately implemented on the date the Shipbuilding Agreement enters into force with respect to the United States.

SEC. 204. AMENDMENTS TO THE MERCHANT MARINE ACT, 1936.

The Merchant Marine Act, 1936, is amended as follows:

(1) Section 511(a)(2) (46 App. U.S.C. 1161(a)(2)) is amended by inserting after "1939," the following: "or, if the vessel is a Shipbuilding Agreement vessel, constructed in a Shipbuilding Agreement Party, but only with regard to moneys deposited, on or after the date on which the Shipbuilding Trade Agreement Act takes effect, into a construction reserve fund established under subsection (b)".

(2) Section 601(a) (46 App. U.S.C. 1171(a)) is amended by striking "and that such vessel or vessels were built in the United States, or have been documented under the laws of the United States not later than February 1, 1928, or actually ordered and under construction for the account of citizens of the United States prior to such date" and inserting "and that such vessel or vessels were built in the United States, or, if the vessel or vessels are Shipbuilding Agreement vessels, in a Shipbuilding Agreement Party".

(3) Section 606(6) (46 App. U.S.C. 1176(6)) is amended by inserting "or, if the vessel is a Shipbuilding Agreement vessel, in a Shipbuilding Agreement Party or in the United States" before "except in an emergency."

(4) Section 607 (46 App. U.S.C. 1177) is amended as follows:

(A) Subsection (a) is amended by inserting "or, if the vessel is a Shipbuilding Agreement vessel, in a Shipbuilding Agreement Party," after "built in the United States".

(B) Subsection (k) is amended as follows:

(i) Paragraph (1) is amended by striking subparagraph (A) and inserting the following:

"(A)(i) constructed in the United States and, if reconstructed, reconstructed in the United States or in a Shipbuilding Agreement Party, or

"(ii) that is a Shipbuilding Agreement vessel and is constructed in a Shipbuilding Agreement Party and, if reconstructed, is reconstructed in a Shipbuilding Agreement Party or in the United States."

(ii) Paragraph (2)(A) is amended to read as follows:

"(A)(i) constructed in the United States and, if reconstructed, reconstructed in the United States or in a Shipbuilding Agreement Party, or

"(ii) that is a Shipbuilding Agreement vessel and is constructed in a Shipbuilding Agreement Party and, if reconstructed, is reconstructed in a Shipbuilding Agreement Party or in the United States, but only with regard to moneys deposited into the fund on or after the date on which the Shipbuilding Trade Agreement Act takes effect."

(5) Section 610 (46 App. U.S.C. 1180) is amended by striking "shall be built in a domestic yard or shall have been documented under the laws of the United States not later than February 1, 1928, or actually ordered and under construction for the account of citizens of the United States prior to such date," and inserting "shall be built in the United States or, if the vessel is a Shipbuilding Agreement vessel, in a Shipbuilding Agreement Party."

(6) Section 901(b)(1) (46 App. U.S.C. 1241(b)(1)) is amended by striking the third sentence and inserting the following:

"For purposes of this section, the term 'privately owned United States-flag commercial vessels' shall be deemed to include—

"(A) any privately owned United States-flag commercial vessel constructed in the United States, and if rebuilt, rebuilt in the United States or in a Shipbuilding Agreement Party on or after the date on which the Shipbuilding Trade Agreement Act takes effect, and

"(B) any privately owned vessel constructed in a Shipbuilding Agreement Party on or after the date on which the Shipbuilding Trade Agreement Act takes effect, and if rebuilt, rebuilt in a Shipbuilding Agreement Party or in the United States, that is documented pursuant to chapter 121 of title 46, United States Code.

The term 'privately owned United States-flag commercial vessels' shall also be deemed to include any cargo vessel that so qualified pursuant to section 615 of this Act or this paragraph before the date on which the Shipbuilding Trade Agreement Act takes effect. The term 'privately owned United States-flag commercial vessels' shall not be deemed to include any liquid bulk cargo vessel that does not meet the requirements of section 3703a of title 46, United States Code."

(7) Section 905 (46 App. U.S.C. 1244) is amended by adding at the end the following:

"(h) The term 'Shipbuilding Agreement' means the Agreement Respecting Normal Competitive Conditions in the Commercial Shipbuilding and Repair Industry, which resulted from negotiations under the auspices of the Organization for Economic Cooperation and Development, and was entered into on December 21, 1994.

"(i) The term 'Shipbuilding Agreement Party' means a state or separate customs territory that is a Party to the Shipbuilding Agreement, and with respect to which the United States applies the Shipbuilding Agreement.

"(j) The term 'Shipbuilding Agreement vessel' means a vessel to which the Secretary determines Article 2.1 of the Shipbuilding Agreement applies.

"(k) The term 'Export Credit Understanding' means the Understanding on Export Credits for Ships which resulted from negotiations under the auspices of the Organization for Economic Cooperation and Development and was entered into on December 21, 1994.

"(l) The term 'Export Credit Understanding vessel' means a vessel to which the Secretary determines the Export Credit Understanding applies."

(8) Section 1104A (46 App. U.S.C. 1274) is amended as follows:

(A) Paragraph (5) of subsection (b) is amended to read as follows:

"(5) shall bear interest (exclusive of charges for the guarantee and service charges, if any) at rates not to exceed such percent per annum on the unpaid principal as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Secretary, except that, with respect to Export Credit Understanding vessels, and Shipbuilding Agreement vessels, the obligations shall bear interest at a rate the Secretary determines to be consistent with obligations of the United States under the Export Credit Understanding or the Shipbuilding Agreement, as the case may be."

(B) Subsection (i) is amended to read as follows:

"(i)(1) Except as provided in paragraph (2), the Secretary may not, with respect to—

"(A) the general 75 percent or less limitation contained in subsection (b)(2),

"(B) the 87½ percent or less limitation contained in the 1st, 2nd, 4th, or 5th proviso to subsection (b)(2) or in section 1112(b), or

"(C) the 80 percent or less limitation in the 3rd proviso to such subsection,

establish by rule, regulation, or procedure any percentage within any such limitation that is, or is intended to be, applied uniformly to all guarantees or commitments to guarantee made under this section that are subject to the limitation.

"(2) With respect to Export Credit Understanding vessels and Shipbuilding Agreement vessels, the Secretary may establish by rule, regulation, or procedure a uniform percentage that the Secretary determines to be consistent with obligations of the United States under the Export Credit Understanding or the Shipbuilding Agreement, as the case may be."

(C) Section 1104B(b) (46 App. U.S.C. 1274a(b)) is amended by striking the period at the end and inserting the following:

"except that, with respect to Export Credit Understanding vessels and Shipbuilding Agreement vessels, the Secretary may establish by rule, regulation, or procedure a uniform percentage that the Secretary determines to be consistent with obligations of the United States under the Export Credit Understanding or the Shipbuilding Agreement, as the case may be."

SEC. 205. WITHDRAWAL FROM THE AGREEMENT.

(a) WITHDRAWAL.—

(1) NOTICE.—The President shall give notice, under Article 14 of the Shipbuilding Agreement, of intent of the United States to withdraw from the Shipbuilding Agreement, as soon as is practicable after one or more Shipbuilding Agreement Parties give notice, under such article, of intent to withdraw from the Shipbuilding Agreement, if paragraph (2) applies.

(2) TONNAGE OF NEW CONSTRUCTION IN WITHDRAWING PARTIES.—This paragraph applies if the combined gross tonnage of new Shipbuilding Agreement vessels constructed in all Shipbuilding Agreement Parties who have given notice to withdraw from the Shipbuilding Agreement, which were delivered in the calendar year preceding the calendar year in which the notice is given, is 15 percent or more of the gross tonnage of new Shipbuilding Agreement vessels that were constructed in all Shipbuilding Agreement Parties and were delivered in the calendar year preceding the calendar year in which the notice is given.

(3) TERMINATION OF WITHDRAWAL.—If a Shipbuilding Agreement Party described in paragraph (2) takes action to terminate its withdrawal from the Shipbuilding Agreement, so that paragraph (2) would not apply if that Party had not given the notice to withdraw, the President may take the necessary steps to terminate the notice of withdrawal of the United States from the Shipbuilding Agreement.

(b) REINSTATEMENT OF LAWS.—If the United States withdraws from the Shipbuilding Agreement on the date on which such withdrawal becomes effective, the amendments made by section 204 shall be deemed not to have been made, and the provisions of law amended by section 204 shall, on and after such date, be effective as if this Act had not been enacted.

SEC. 206. DEFINITIONS.

As used in this title—

(1) the terms "Shipbuilding Agreement", "Shipbuilding Agreement Party", and "Shipbuilding Agreement vessel" have the meanings given those terms in subsections (h), (i), and (j), respectively, of section 905 of the Merchant Marine Act, 1936, as added by section 204(7) of this Act; and

(2) the terms "GATT 1994" and "Uruguay Round Agreements" have the meanings given those terms in section 2 of the Uruguay Round Agreements Act.

TITLE III—REVENUE OFFSET

SEC. 301. PENALTIES FOR FAILURE TO DISCLOSE POSITION THAT CERTAIN INTERNATIONAL SHIPPING INCOME IS NOT INCLUDIBLE IN GROSS INCOME.

(a) IN GENERAL.—Section 883 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(d) PENALTIES FOR FAILURE TO DISCLOSE POSITION THAT CERTAIN INTERNATIONAL SHIPPING INCOME IS NOT INCLUDIBLE IN GROSS INCOME.—

"(1) IN GENERAL.—A taxpayer who, with respect to any tax imposed by this title, takes the position that any of its gross income derived from the international operation of a ship or ships is not includible in gross income by reason of subsection (a)(1) or section 872(b)(1) shall be entitled to such treatment only if such position is disclosed (in such manner as the Secretary may prescribe) on the return of tax for such tax (or any statement attached to such return).

"(2) ADDITIONAL PENALTIES FOR FAILING TO DISCLOSE POSITION.—If a taxpayer fails to meet

the requirement of paragraph (1) with respect to any taxable year—

"(A) the amount of the income from the international operation of a ship or ships—

"(i) which is from sources without the United States, and

"(ii) which is attributable to a fixed place of business in the United States, shall be treated for purposes of this title as effectively connected with the conduct of a trade or business within the United States, and

"(B) no deductions or credits shall be allowed which are attributable to income from the international operation of a ship or ships.

"(3) REASONABLE CAUSE EXCEPTION.—This subsection shall not apply to a failure to disclose a position if it is shown that such failure is due to reasonable cause and not due to willful neglect."

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 872(b) of such Code is amended by striking "Gross income" and inserting "Except as provided in section 883(d), gross income".

(2) Paragraph (1) of section 883(a) of such Code is amended by striking "Gross income" and inserting "Except as provided in subsection (d), gross income".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Notwithstanding section 3, the amendments made by this section shall apply to taxable years beginning after the later of—

(A) December 31, 1996, or

(B) the date that the Shipbuilding Agreement enters into force with respect to the United States.

(2) COORDINATION WITH TREATIES.—The amendments made by this section shall not apply in any case where their application would be contrary to any treaty obligation of the United States.

(d) INFORMATION TO BE PROVIDED BY CUSTOMS SERVICE.—The United States Customs Service shall provide the Secretary of the Treasury or his delegate with such information as may be specified by such Secretary in order to enable such Secretary to determine whether ships which are not registered in the United States are engaged in transportation to or from the United States.

The CHAIRMAN. No other amendment is in order except the amendment printed in part 2 of the report. That amendment may be offered only by a member designated in the report, shall be considered read, shall be debatable for 1 hour, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider the amendment printed in part 2 of the report.

AMENDMENT OFFERED BY MR. BATEMAN

Mr. BATEMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BATEMAN: In section 3 (page 2, line 15), strike "This" and insert "Except as provided in section 206, this".

Redesignate section 206 as section 209, and insert the following after section 205:

SEC. 296. APPLICABILITY OF TITLE XI AMENDMENTS.

(a) EFFECTIVE DATE.—

(1) IN GENERAL.—Notwithstanding any provision of the Shipbuilding Agreement or the Export Credit Understanding, the amendments made by paragraph (8) of section 204 shall not apply with respect to any commitment to guarantee made under title XI of the Merchant Marine Act, 1936, before January 1, 1999, with respect to a vessel delivered—

(A) before January 1, 2002, or

(B) in the case of unusual circumstances to which paragraph (2) applies, as soon after January 1, 2002, as is practicable.

(2) UNUSUAL CIRCUMSTANCES.—This paragraph applies in a case in which unusual circumstances beyond the control of the parties concerned prevent the delivery of a vessel by January 1, 2002. As used in this paragraph, the term "unusual circumstances" means acts of God (other than ordinary storms or inclement weather conditions), labor strikes, acts of sabotage, explosions, fires, or vandalism, and similar circumstances.

SEC. 207. OTHER LAWS NOT AFFECTED.

The Shipbuilding Agreement shall not affect, directly or indirectly, the Merchant Marine Act, 1920, the Act of June 19, 1886 (46 U.S.C. App. 289), or any other provision of law set forth in Accompanying Note 2 to Annex II to the Shipbuilding Agreement, and shall not provide any mechanism to subject any producer of vessels in the United States to financial penalties, duties, bid restrictions, unfavorable bid preferences, or withdrawal of concessions under the GATT 1994 or other Uruguay Round Agreements, in the competition for international commercial vessel construction or reconstruction orders because of construction of vessels by United States shipbuilders for operation in the coastwise trade of the United States.

SEC. 208. PROTECTION OF UNITED STATES INTERESTS.

Nothing in the Shipbuilding Agreement shall be construed to prevent the United States from taking any action which it considers necessary for the protection of essential security interests or from invoking its sovereign authority to define, for purposes of exclusion from coverage under the Shipbuilding Agreement and from any dispute or challenge based on Annex I to the Shipbuilding Agreement, "military vessel", "military reserve vessel", or "essential security interest" on a case by case basis, as determined by the Secretary of Defense.

In paragraph (1) of section 209 (as redesignated by this amendment), strike "and 'Shipbuilding Agreement vessel' have the meanings given those terms in subsections (h), (i), and (j)" and insert "'Shipbuilding Agreement vessel', and 'Export Credit Understanding' have the meanings given those terms in subsections (h), (i), (j), and (k)".

Page 6, strike line 19 and all that follows through page 7, line 2.

Page 7, line 3, insert "(I) if" before "the petitioner".

Page 7, strike lines 9 through 11 and insert the following:

"(II) if the petitioner was not invited to tender a bid, the petitioner".

Page 7, line 19, strike "(i)(III)" and insert "(i)(II)".

Page 9, line 10, strike "(i) or (ii)" and insert "(i)(I)".

Page 9, line 18, strike "(1)(B)(iii)" and insert "(1)(B)(i)(II)".

Page 49, add the following after line 24:

"SEC. 809. THIRD COUNTRY SALES.

"(a) FILING OF PETITION.—Any interested party that would be eligible to file a petition under section 802(b)(1) with respect to a sale if such sale had been to a United States buyer may, with respect to a sale of a vessel

by a foreign producer in a Shipbuilding Agreement Party to a buyer in a third country that is a Shipbuilding Agreement Party, file with the Trade Representative a petition alleging that—

"(1) such vessel has been sold at less than fair value; and

"(2) the industry in the United States producing or capable of producing a like vessel is materially injured by reason of such sale.

"(b) DETERMINATION.—Upon receipt of a petition under subsection (a), the Trade Representative shall request the following determinations to be made in accordance with substantive and procedural requirements specified by the Trade Representative, notwithstanding any other provision of this title:

"(1) The administering authority shall determine whether there is reasonable cause to believe that the subject vessel has been sold at less than fair value.

"(2) The Commission shall determine whether there is reasonable cause to believe that the industry in the United States is materially injured by reason of such sale.

"(c) COMPLAINT BY TRADE REPRESENTATIVE.—If the administering authority makes an affirmative determination under paragraph (1) of subsection (b), and the Commission makes an affirmative determination under paragraph (2) of subsection (b), the Trade Representative shall make application to the country of the buyer of the subject vessel for an injurious pricing action and relief similar to that available under section 808. The Trade Representative shall advise the petitioner of the proceedings undertaken by the third country in response to such application and shall permit the petitioner to participate in such proceedings to the greatest extent practicable."

Page 102, line 9, strike "or 808" and insert "808, or 809".

In the table of contents for chapter 8 of title VII of the Tariff Act of 1930 (page 3, after line 9), insert the following after the item relating to section 808:

"Sec. 809. Third country sales."

Page 100, line 20, strike "and"; on line 21, strike "(iii)" and insert "(iv)", and insert the following after line 20:

"(iii) a military reserve vessel, and"

Page 101, insert the following after line 15:

"(E) MILITARY RESERVE VESSEL.—A 'military reserve vessel' is a vessel that has been constructed with national defense features and characteristics required by the Secretary of Defense for the purpose of supporting the United States Armed Forces in a contingency.

The CHAIRMAN. Pursuant to the rule, the gentleman from Virginia [Mr. BATEMAN] and a Member opposed will each control 30 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, I ask unanimous consent that 15 minutes of the time allotted to me on the Committee on National Security be assigned to the gentleman from California [Mr. DELLUMS].

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BATEMAN. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, my amendment will address a number of deficiencies in the

underlying text of H.R. 2754. Again I wish to emphasize that my complaints with this agreement are not over the pros and cons of subsidizing this industry or any other industry. This is not a fight over subsidies. It is, however, a fight over the fairness of this agreement as it relates to our large domestic shipyards.

This amendment will not make the agreement perfect, but it will negate to some degree its negative impact on the large shipyards which have been committed to building naval vessels.

Let me explain how this agreement works from the perspective of our shipyards during the process of transitioning from 100 percent Navy work to a combination of Navy and commercial work. Take, for example, the title XI loan guarantee program which my amendment addresses. Under the agreement in H.R. 2754, as presently before my colleagues, the favorable terms are offered effective July 15, 1996. Current law, which my amendment seeks to retain for a period of 30 months, allows U.S. Maritime Administration to issue loan guarantees for the construction of vessels in U.S. yards. Those guarantees allow for a loan repayment period of up to 25 years and a downpayment required of 12.5 percent. Under this agreement this will change to a repayment term of only 12 years and require a downpayment of 20 percent.

In simple terms, the shipowner will have to pay off the mortgage twice as fast and will have to come up with almost double the downpayment if he chooses to build in a U.S. shipyard.

The more favorable terms which my amendment seeks to retain for only 30 additional months was the product of extensive debate between the House and the Senate during consideration of the fiscal year 1994 defense authorization bill. The Senate had, at the urging of the administration, sought to adopt at that time the less favorable terms which we are being asked to adopt now. The House version recognized that if we were to offer any chance to our large U.S. yards to move to commercial ship construction, that we had to offer a program to encourage foreign purchases to at least give U.S. shipyards one competitive tool.

The Committee on National Security was well aware that our foreign competitors had received literally billions of dollars annually in subsidies. We also knew that it would take more than 24 months to have our yards retooled and market a totally new product. Remarkably two of our shipyards, Newport News in Virginia and Avondale in Louisiana are making the transition having recently begun construction, thanks to title XI loan guarantees, on double-hull commercial tankers.

It is important to keep in mind that our northern competitors have bene-

fited from literally billions of dollars in subsidies over the years. As my colleagues can see from charts that we put before them, the annual average has exceeded \$8 billion for our six major competitors. Our title XI program has amounted to an average of only \$50 billion since fiscal year 1994.

The advantage of my amendment is severalfold. It brings to an end subsidies. Yes, it is a compromise. It also recognizes that we cannot wish budgets, as tight as they are, to afford to get in subsidy battles with other nations. With the compromise here is that it recognizes that our foreign competitors were able to retain under the guise of restructuring a large package which lasts well into 1999.

In other words, my amendment, as it addresses title XI, brings some measure of fairness to this agreement, fairness which our negotiators choose not to insist on. It is now up to the Congress to step up and correct the deficiency.

Let me briefly respond to charges that this amendment will result in the agreement falling apart. Our negotiators are already at work getting an extension of the delivery date on vessels which are built using the title XI guarantees. They have already gained a delay of 6 months from the original effective date.

Now, I appreciate that they do not wish to approach our trading partners again but for what is, by any fair assessment, a very modest extension. However, it is the obligation and the duty of Congress not to accept every agreement that has been negotiated. We are not here to simply rubber stamp an agreement if we think it is wrong.

Finally, my amendment corrects several other deficiencies, particularly as they relate to the Jones Act and DOD procurements. As presently drafted, this agreement may be used as a wedge against the Jones Act. The Jones Act requires that all merchandise transported to points in the United States must be carried on U.S.-registered and U.S.-built vessels. This agreement appears to allow foreign countries to retaliate against U.S. companies if U.S. shipbuilders construct more than 200,000 tons of Jones Act trade vessels annually for the first 3 years. After 3 years, any construction creates a presumption that the rights and balances of the parties is upset and sanctions can be imposed.

This part of the en bloc amendment simply assures that exemption from the Jones Act, which our trade negotiators tell us is consistent with the agreement even though the OECD representatives insist the Jones Act must go away. The U.S. Trade Representatives noted in our hearing that European Union interpretation of the Jones Act provisions were wrong. We are simply making it absolutely clear that nothing in this agreement affects the

Jones Act. The Committee on National Security believes the changes to domestic law within the jurisdiction of the Congress and the imposition of penalties by foreign entities for compliance with the domestic statute is inappropriate. My amendment prevents this from happening. If our Trade Representative is correct and the Jones Act is not affected, my amendment clearly can do no harm. If they are incorrect, my amendment is critically needed. We should protect the Jones Act and do so, and to do so my colleagues should vote for my amendment.

Last, my amendment would clarify that nothing in the agreement should be construed as preventing the United States from taking any action which it considers necessary for the protection of its essential security interests. This part of the amendment would allow the United States to invoke its sovereign authority to define for the purposes of exclusion from the agreement the terms, quote, military vessel, unquote, military reserve vessel, or, quote, essential security interests on a case-by-case basis as determined by the Secretary of Defense. This part of the amendment would prevent an international trade organization from defining what is or is not in the national security interests of the United States.

Finally, this amendment would allow greater rights for U.S. shipbuilders to petition the U.S. Trade Representative if they believe other countries are selling ships at less than the cost to foreign countries.

In conclusion, the Committee on National Security changes are modest, reasonable, and crucial. They will not bring down this agreement as the opponents would have us believe. If it does, it demonstrates the signatories are not seriously interested in ending shipbuilding subsidies, and if they are not so interested, then the agreement is worthless.

I urge my colleagues' support if they believe it is important to preserve a strong defense industrial base that will be available if, God forbid, we ever need to mobilize our shipbuilders.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is the gentleman from Illinois [Mr. CRANE] opposed to the amendment?

Mr. CRANE. I am, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois is recognized for 30 minutes.

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am adamantly opposed to this amendment. If implemented, it would cause the agreement to disintegrate, leaving us with nothing but many wasted years. Make no mistake: the amendment violates the agreement in a fatal way. We have received letters from a number of our

trading partners telling us that if this amendment is adopted, we will not have implemented the agreement and that they will not renegotiate the agreement. We cannot afford to have them walk away.

Let me rebut the arguments raised by the supporters of this amendment. First, we do not need to eliminate our title XI program in order to comply with the agreement. We merely have to scale it back to meet the agreement requirements, just as our trading partners must. We will achieve balance instead of a war of escalation that we cannot and will not win.

Second, our national security is completely protected under the agreement. The agreement contains an exception that allows a government to back away if it believes its national security interests are at stake. The Department of defense has also sent us a letter stating, and I quote, that "the Agreement will not adversely affect our national security." This statement is powerful evidence that the agreement does not threaten our national security.

Third, our negotiators were able to achieve an exception for the Jones Act, something no other country was able to achieve. Although I agree that the Jones Act is not affected, I do not believe that we need specific statutory language that says so. But more importantly, I believe that this amendment goes too far. I am concerned that we could potentially violate a whole series of agreements, let alone the Shipbuilding Agreement, by prohibiting such measures from taking effect. There is no need to put us at such risk. As the Defense Department stated in the letter I quoted earlier, the agreement "does not change cabotage laws, that are clearly vital to our national security."

We have heard some discussion that the amendment represents a compromise position because there are some members that wanted even tougher language. Mr. Chairman, a serious violation is still a serious violation. Merely because the amendment keeps the current title XI program in effect for 30 months as opposed to a longer period of time does not change the fact that any extension of the current title XI program violates the agreement.

Nor can it be said that the amendment merely extends the transition period. Let us not be naive. We would be asking for more benefits than we currently have but, at the same time, would be requiring our trading partners to implement all of the terms of the agreement immediately. But trade agreements do not work that way. We have to give up something, too. But the reality is that our shipyards will feel the pinch considerably less than our trading partners: Our \$50 million in title XI loan guarantees compared to billions of dollars in foreign subsidies.

And we do not even have to give up our \$50 million. Instead, we just have to make sure that we do not make guarantees in a manner that violates the agreement.

Let me read what our administration and some of our trading partners have said about the amendment. U.S. Trade Representative Charlene Barshefsky has stated:

I want to make clear that the substitute amendment to H.R. 2754 approved by the National Security Committee *** modifies the legislation in ways that are clearly incompatible with the agreement and unacceptable to the other signatories.

The EU Ambassador to the United States has stated:

This amendment clearly is inconsistent with the terms of the agreement as negotiated between the parties. *** This significant amendment would not be acceptable to the European Community since it would be contrary to the basic objectives and balance of mutual concessions contained in the agreement. I cannot envisage the circumstances under which signatories of the OECD agreement would be willing to reopen negotiations. The adoption of the amendment would put the agreement in serious jeopardy.

The OECD has stated:

If this amendment is attached to H.R. 2754 and passed by the House of Representatives, the United States is putting in jeopardy the entry into force of the Agreement.

For all of these reasons, Mr. Chairman, let me be clear that a vote for the amendment is a vote against the agreement. Contrary to what the supporters are arguing, this amendment would not improve the agreement; it would destroy it. I urge my colleagues to join together in a bipartisan effort to support our shipbuilding industry and to oppose the amendment.

Mr. Chairman, I include the following information for the RECORD:

ORGANISATION FOR ECONOMIC
CO-OPERATION AND DEVELOPMENT,
Paris, June 4, 1996.

Hon. HERBERT H. BATEMAN,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN: I understand that the mark-up by the House National Security Committee of HR 2754, a bill to approve and implement the provisions of the 1994 "Agreement Respecting Normal Competitive Conditions in the Commercial Shipbuilding and Repair Industry" has led to an amendment by yourself, among others, that would extend the provisions of the present Title XI Loan Guarantee Program until January 1999, with the vessels constructed using these terms being required to be delivered by January 1, 2002. It is clear that this proposal will be in contradiction to the Agreement and a breach of its provisions. As you know, the essential approach to shipbuilding subsidization in the Agreement and a guarantee of its effectiveness is equal treatment of all Parties and quick elimination, i.e. by entry into force, of all existing support measures.

Let me therefore express my great concern that if this amendment is attached to HR 2754 and passed by the House of Representatives, the United States is putting in jeopardy the entry into force of the Agreement.

Failure to bring the Agreement into effect, though possibly of some advantage for the

US shipbuilding industry in the very short-term, will be of great harm to it in the longer-term. Failure will, *inter alia*, prompt a resurgence of shipbuilding subsidies in the other countries—which as you know have severely affected the competitiveness of US yards in the past. Furthermore, it would deprive the United States shipbuilding industry of the tool to act against dumping in the world shipbuilding market.

I therefore urge you to reconsider your amendment as the legislation makes its progress on the floor of the House of Representatives. Strict and immediate implementation of the Agreement seems to me to be the way of ensuring the long-term viability of the shipbuilding industries in the United States, as well as those of the other Parties to the Agreement.

Sincerely,

P.M. OLBERG,
Ambassador.

EUROPEAN UNION, DELEGATION
OF THE EUROPEAN COMMISSION,
Washington, DC, May 31, 1996.

Hon. HERBERT H. BATEMAN,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN: I am writing on behalf of the European Commission to express our considerable concern with respect to the amendment passed by the House National Security Committee in its mark-up of the OECD shipbuilding implementing legislation. The amendment calls for an extension of the term of Title XI financing for ship construction for thirty months. Furthermore the amendment would clearly state that the agreement does not require changes in the Jones Act and that certain Department of Defense procurements are not covered.

This amendment clearly is inconsistent with the terms of the agreement as negotiated between the parties.

The agreement is the result of five years of complex negotiations which have led to the adoption of the basic principles originally proposed by the United States (i.e. the prohibition of virtually all forms of future government subsidies). Therefore this significant amendment would not be acceptable to the European Community since it would be contrary to the basic objectives and balance of mutual concessions contained in the agreement. I cannot envisage the circumstances under which signatories of the OECD agreement would be willing to reopen negotiations.

The adoption of the amendment would put the agreement in serious jeopardy. Therefore, I should like to urge you to take the above into account in future consideration of the bill.

Sincerely Yours,

HUGO PAEMEN,
Ambassador.

EMBASSY OF JAPAN,
Washington, DC, June 5, 1996.

Hon. PHILIP M. CRANE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN CRANE: Upon the instruction from my government, I wish to draw your attention to an important and urgent matter concerning the "OECD Shipbuilding Agreement" (the Agreement respecting Normal Competitive Conditions in the Commercial Shipbuilding and Repair Industry) which is to be ratified by 15 June.

Recently we were informed that the amendments of the implementing bill, which would not be consistent with the obligations

under the Agreement, was made in a U.S. House committee. We noted with surprise that such an action has been taken in the U.S., which was the initiator and driving force behind the negotiations of the Agreement.

This Agreement was negotiated for several years and aims to reach normal competitive conditions in the world commercial shipbuilding and repair industry. We are gravely concerned that amending the Agreement would, in fact, make it impossible to enter into force. It would seriously undermine the credibility of the U.S., if the Agreement, made by the U.S. initiatives, would not enter into force due to the U.S. failure to conclude it.

In Japan, this Agreement was approved by the House of Representatives on 31 May and is to be put to a vote in the responsible committee of the House of Councilors in the very near future. The implementing legislation was already approved by the Diet on 5 June. Thus, we are approaching to the goal in time for the target date of 15 June.

I would like to invite you to review the above situations and impacts and strongly encourage the U.S. to quickly conclude this Agreement as it is.

Sincerely,

KUNIHICO SAITO,
Ambassador of Japan.

ROYAL NORWEGIAN EMBASSY,
Washington, DC, June 5, 1996.

Hon. CHARLENE BARSHEFSKY,
Acting U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR BARSHEFSKY: I am writing to you to express the Norwegian Government's grave concern regarding the amendments passed by the National Security Committee of the House of Representatives in its mark-up last week of the legislation for implementation of the OECD Shipbuilding Agreement.

Several of the amendments, most notably the provisions for extending the Title XI shipbuilding loan guarantee program and the provisions for removing the applicability of the Agreement with respect to the building of Jones Act vessels, are clearly inconsistent with the terms of Agreement.

The OECD Shipbuilding Agreement is the result of many years of complex negotiations and represents a carefully crafted compromise between the parties to the Agreement. My Government holds the view that the Agreement is of vital importance for the return to normal competitive conditions in the commercial shipbuilding industry.

Norway has ratified the OECD Agreement, and would find that the introduction of amendments such as those proposed by the National Security Committee would destroy the balance of obligations and, thus, undermine the foundation upon which the Agreement was built. On the Norwegian side, we do not foresee circumstances whereby the signatories of the OECD Agreement would be prepared to reopen negotiations.

Hoping that you will convey to Congress Norway's concern that adoption of the aforementioned amendments would seriously jeopardize the OECD Agreement, I remain.

Sincerely yours,

KARSTEN KLEPSVIK,
Chargé d'Affaires ai.

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Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to my distinguished col-

league, the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I rise in strong support of the Bateman amendment. It is absolutely essential for our national security and the security of our economy that we continue to have a shipbuilding industry. It seems to me, Mr. Chairman, that there is no better public-private partnership than the loan guarantee. I want to congratulate the gentleman from Virginia [Mr. BATEMAN] for having brought this absolutely vital amendment to us. I urge my colleagues to support it, both for the economy and for our national security.

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to my distinguished colleague, the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Chairman, I want to thank the gentleman from California for yielding this time to me.

Mr. Chairman, as the former chairman of the Committee on Merchant Marine and Fisheries, or as the chairman of the late Committee on Merchant Marine and Fisheries, I rise today in very strong support of the amendment offered by the gentleman from Virginia [Mr. BATEMAN]. Mr. BATEMAN and I, when we had the Committee on Merchant Marine and Fisheries, worked very, very hard on behalf of the maritime industry. I am very happy that he has continued to do so over on the Committee on National Security, as I have tried to do on the Committee on Infrastructure and Transportation.

Mr. Chairman, I commend the gentleman from Virginia and the other members of the National Security Committee for recognizing the need to improve the OECD Shipbuilding Trade Agreement to make it more equitable for the United States shipbuilding industry.

The United States initiated negotiations for the OECD Shipbuilding Trade Agreement 5 years ago in order to end the massive government subsidies that give foreign shipbuilders an unfair competitive advantage. Unfortunately, the final OECD agreement fails to meet the objective of eliminating foreign government shipbuilding subsidies. For instance, the agreement contains a major restricting loophole which European Governments are using to spend millions of dollars for the modernization of their shipyards. In fact, the French Government refused to even sign the agreement until it was allowed to spend \$480 million for such restructuring of its shipyards. In addition, United States trade negotiators agreed to grandfather certain subsidy programs by South Korea and Germany, which were initiated during the negotiations. Yet, the United States is expected to immediately deprecate the title XI loan guarantee program for U.S. shipbuilders—despite the fact that

U.S. shipbuilders have not enjoyed a direct Government subsidy in over a decade.

The OECD agreement is full of loopholes and exemptions that will benefit foreign shipbuilders. Moreover, the agreement does not even cover such major shipbuilding nations such as Poland, China, Taiwan, and Russia, allowing those countries to continue their direct and substantial subsidization of their domestic shipbuilding. Yet, the United States is expected to immediately reduce the current Title XI: Loan Guarantee Program. This will cause immediate harm to the U.S. shipbuilding industry.

With Navy shipbuilding at an all time low, it is critical for our yards to secure commercial work. And, for the first time in 35 years, American shipbuilders are experiencing a resurgence in commercial business. These recently signed commercial contracts were made possible by the Title XI: Ship Loan Guarantee Program. Yet, the OECD agreement and the bill would bring a screeching halt to this resurgence by rendering the title XI program ineffective.

A 30-month extension of the modest title XI, as provided in the Bateman amendment, is needed to give U.S. shipyards an adequate transition period to ensure their continued viability. This is a reasonable request when compared to the unfair competitive advantage subsidized foreign shipbuilders have enjoyed for the past decade—and will continue to enjoy in China, Poland, and other nonsignatory nations.

This amendment is the absolute minimum we can, and must, enact. I urge my colleagues to support the Bateman amendment.

Mr. CRANE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN of Washington. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of H.R. 2754 as approved by the Committee on Ways and Means, and to commend the chairman of the committee and the gentleman from Florida [Mr. GIBBONS] for their steadfast work in securing enactment of this historic agreement.

Unfortunately, in spite of their efforts, some individuals argue that no agreement is better than this agreement. In reality, if the Bateman amendment is adopted, that is exactly what we would have: No agreement.

To all those people, I say, take off your blinders and recognize that, embodied in this agreement, is our best chance to revitalize our domestic industry. For years we have witnessed the continued decline of the U.S. shipbuilding industry at the hands of massive foreign subsidization. The remaining American commercial shipbuilders have become the most efficient in the

world. Yet no amount of belt-tightening could ever overcome the enormous subsidy margins provided by their foreign competitors.

Over the past several years, many have expressed frustration with the negotiating of this agreement. I must say that while the road to this final agreement has been extremely difficult, I am confident that this agreement provides our domestic shipbuilders with the best opportunity to compete in a fair world market.

If Members believe they are helping our domestic shipbuilding industry by voting for the Bateman amendment, let me tell the Members, I believe they are wrong. Our failure to pass this measure as approved by the Committee on Ways and Means will likely spur existing subsidies by our foreign competitors to record levels, and this would certainly be the final and fatal blow to our domestic shipbuilding industry.

Mr. Chairman, I urge my colleagues to defeat the Bateman amendment and adopt this historic and sound international agreement.

Mr. BATEMAN. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I commend the loyalty of the gentlewoman from Washington [Ms. DUNN] to the chairman of the committee she serves on, but I believe she is wrong.

Mr. Chairman, let me go to a little different direction. I truly believe that both under Republican and Democrat administrations, our State Department has been the weak link of this country. While we have strong militaries, the American worker can compete against any nation in the world, but yet our trade agreements which I supported, NAFTA and GATT, they have been treated very, very poorly as far as the administration of them. Who ends up paying for that? The American worker, Mr. Chairman.

If we take a look in which title XI uses \$50 million, why was it created in the last couple of years? Under OPA 90 we wanted to build dual hull tankers. There is no money to build ships in the United States, because foreign nations have subsidized by billions of dollars and cut on the west coast. NASCO is the only shipbuilder left on the west coast. We only built one ship in this decade, because foreign nations, with their cutthroat economic tactics, have cut and killed the American worker. So we established it not only to help the environment, so we could build tankers, but to neutralize that system.

In the meantime, while we build one ship, they build 100. I cannot tell the Members just the economy of scale. If you build 100 ships, it is much cheaper to build those ships. They say let us do away with title XI, and that will neutralize this situation. No, it will not, Mr. Chairman, because they still have the advantage of all of these orders and

all of these ships they are building, which makes our ships cost much more, which we cannot sell. All we are asking is to give us a level playing field.

Mr. Chairman, I think for the first time this country has a chance to walk softly and carry a big stick. Let us approach this trade agreement for a change with a benefit to the American worker, not to the benefit of foreign trading interests. The President was right on his trading policies, but we have to get tough.

Do Members think the Secretary of State, under either Republican or Democratic administrations, is going to push and support this? No, they are not. Let us support the American worker, let us support the Bateman amendment.

Mr. CRANE. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Chairman, the agreement that is really before us, the OECD agreement, is an agreement which I think all of us would argue, at least the concept of the agreement, will greatly benefit the United States of America. It would end the subsidies that other countries have been doing for years, the dumping that other countries have done for years to adversely affect the American shipbuilding industry.

All we need to do is look at the facts on the ground in this country today, or the facts in the shipyards. Those facts are that the United States right now does not sell very many ships in terms of the world market, an infinitesimal percentage of those ships in the world market, because of the type of system that exists today and that this agreement is trying to end.

Now in front of us, the Bateman amendment says, well, this agreement is going to adversely affect the defense of the United States of America, our national security. That is why we need the Bateman amendment. I would reiterate what actually has been pointed out by the chairman of the subcommittee previously, the gentleman from Illinois [Mr. CRANE], that the Defense Department, the Joint Chiefs, have obviously gone through this agreement, have sent correspondence to the chairman of the committee the gentleman from South Carolina, [Mr. SPENCE] specifically, categorically stating that there would be no adverse effect. There is a specific national defense exemption that exists in the agreement.

Mr. Chairman, I think it is really unfortunate to raise this issue, really almost as a scare tactic, versus what the facts are as based through the Joint Chiefs.

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The other issue that I would raise is, it has been brought out, the whole issue that this is a jobs loss issue for

the United States of America. Let us look at the facts. The facts are we are not producing a heck of a lot of jobs in terms of commercial production and, in fact, the commercial production that would exist, the potential for us to compete in that market is far greater than really any potential loss that exists.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me surface an issue that has not been dealt with and just put it on the table so we all can look at it. That is that this bill, there is joint jurisdiction on this piece of legislation.

The tragedy of this institution is that we tend to get caught up and see the world in very narrow terms, and that is through the narrow prism of our committee jurisdiction. But someone was wise enough, Mr. Chairman, to refer this bill to two committees.

I would hope that the process would allow us to bring together the perspectives and the perceptions of both committees in the hope that in joining those two perceptions, we will arrive at the wisest decision, so we do not get caught up in knee-jerk responses on the basis of a committee jurisdiction. I do not know taxes. I am not on Ways and Means. But I will debate anyone in this town on national security matters, because that has been my job for 25 years here.

We looked at this bill. Where are we in agreement? First, that this is a maritime nation. Second, that we need to stimulate shipbuilding. Third, that we need to stimulate commercial shipbuilding. Fourth, that American workers and shipbuilders believe that it is in their mutual self-interest to end government subsidies of shipbuilding. So let us take that off the table. We all agree with that, so we do not have to sword fight over these issues.

Where is the area of disagreement? The area of disagreement is that we believe that this agreement is flawed with respect to its transition implications. When speaking to the persons that negotiated the agreement, they admitted that they never sought transition assistance to the American shipbuilding industry.

Did other countries do it? The answer is yes. I repeat, and underscore for the purposes of emphasis: Spain, \$1.4 billion in restructuring aid; Portugal, \$110 million in restructuring aid; Belgium, \$74 million in restructuring aid; South Korea, restructuring aid, we believe that that amount is somewhere around \$750 million plus bailout guarantees to the Daewoo shipbuilding industry.

France, unknown total amount at this time, but we know minimally \$480 million. Special offers are currently being made by other members of the European Community to gain France's support for this agreement. Germany, a

package to modernize, restructure, and cover losses of shipyards in the former East Germany.

So some other Nation's negotiators looked at transition, and these subsidies that I spoke to were granted to January 31, 1999, Mr. Chairman. So somebody saw the need for transition.

We are being asked to ratify an agreement, as I have said on more than one occasion today, and we have a responsibility to bring our intellectual capacity, our economic understanding and our political prowess to this situation and make the best decision. We tend to engage in hyperbole around here. "Killer amendment." I have not seen anything die in the 25 years I have been around here, and I have gone after some things to try to kill them, so that is a bunch of hyperbole, Mr. Chairman.

As I said before, the world wants this agreement, we want this agreement, I want this agreement, the shipbuilders want the agreement, and thousands and thousands of American workers want this agreement. They are the stakeholders. But when they looked at the agreement, they said, "Hey, fellows, what about the transition? What about us until January 1999?" All the Bateman amendment does is says, "Here is some transition assistance, 30 months."

Loan guarantee program. Where were all the people around here when we put in this loan guarantee program and fought to get a measly \$50 million in loan guarantees for an economic conversion program because a lot of people said, "Wait a minute, you're spending DOD dollars to stimulate commercial shipbuilding development?" We said that if we do not build some kind of ships, we are going to lose our industrial base.

That is why we have a National Security Committee. That is why we have Ways and Means. We study certain things, but our collective perception is where the great wisdom is.

We are simply saying that this is an important agreement, it is a wonderful agreement. I have complimented the gentleman from Florida and I said, without equivocation, I am one of his greatest fans on the floor of this Congress. There is no finer person in this institution.

I am simply saying that my point of departure is on the basis of the problems that it gives our American shipbuilding industry in the transition, and our American workers, who are extremely sensitive to these issues. They have all communicated with all of us here and said, "We want the agreement, the intent makes sense, but in the transition, we feel disadvantaged."

I do not think this agreement dies, because there is an imperative larger than this amendment. It is the world community coming together. But we can enter that stage, that world stage, as rational and intelligent people and

say, just as these other nations did in their restructuring aid, that we can restructure as well.

That is what this gentleman's argument is all about, not to kill the agreement. That would be stupid. It would be bizarre. It would be extreme. It would be self-defeating. But it would seem to me to allow it to go forward when other nations continue to have this kind of extraordinary advantage to January 1999 stabs at the agreement, the very people we choose to help, the American shipbuilding industry, the American worker, and at the end of the day the American citizen, because we are a maritime Nation.

That is this gentleman's argument, so I am not trying to engage in any scare tactics, but I would make this point. We have six major shipbuilding industries, and when Ronald Reagan was spending \$300 billion a year on the military budget, everybody was building ships, they were coming out of our ears. That day is over. There is no such thing as a 600-ship Navy anymore. The gentleman from Mississippi pointed out we are moving toward a 150-ship Navy.

So if we are not going to build naval ships because we are cutting the military budget, we have got to build some other kind of ships to keep this going, keep these people working, keep the economy moving. It is in the area of commercial ships, in a post-cold-war environment, where our future lies. So we want to see this agreement, but we want to see the transition period speak to us as eloquently as this restructuring speaks to these other countries that are moving toward signing this agreement.

A final point. One of my colleagues said that this amendment would violate the agreement. We cannot violate anything that we have not agreed to as yet. That is why we are here, to use our brains, to use our ingenuity, to use our competence to decide how and what we will agree with.

I hope my colleagues will join me in overwhelming support of the Bateman amendment, overwhelming support of the American shipbuilding industry, overwhelming support of the hundreds of thousands of American workers who desperately need us to do this, and overwhelming support for a transition period that speaks to the dignity of the respect and the reality of the American shipbuilding industry.

Mr. Chairman, I reserve the balance of my time.

Mr. CRANE. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, the comments of our colleague from California are eloquent as always. I take a back seat to no one in my admiration of the work that he has done in the interests of economic conversion. Nothing could be more important to the economy of this Nation.

Mr. Chairman, in many areas, American industries and their workers have had to compete against heavily subsidized European firms. Even where the gap between the level of subsidies has been the greatest—most notably in the areas of aerospace and agriculture—American industries have largely been able to overcome this added challenge.

However, in shipbuilding, American firms have simply been at too great a disadvantage. We have two choices of actions to address this: complete by enacting—and inevitably increasing—our own subsidies, or use our economic leverage to convince our trading partners to reduce their own subsidies.

As public sector deficits have emerged as an increasing drag on the economies of all nations, those partners have seen the advantages of reducing their spending on subsidies. That is part of the reason we have this agreement before us today.

We must also recognize the reality that we cannot afford a subsidy war. The continuation of the title XI program unchanged for another 3 years, as the Bateman amendment would accomplish, will not alter that fact. It will only convince our trading partners to resurrect the subsidies that have crippled our ability to compete in the past.

The complexities and challenges of international competition will continue to cause pain and disruption in this country and across the world. But when we can convince other nations to level the international playing field, the opportunities of trade become that much more apparent. The decision we face today is between seizing such an opportunity or hanging on to the vestiges of a disappointing past. I urge my colleagues to oppose the Bateman amendment and support the bill.

Mr. BATEMAN. Mr. Chairman, I yield 1½ minutes to the gentleman from Maine [Mr. LONGLEY].

Mr. LONGLEY. Mr. Chairman, I will be supporting the Bateman amendments, but I also want to make clear that I do not think the shipbuilding agreement itself is the solution. It will in all likelihood make much more difficult if not impossible U.S. shipbuilders' pursuit of commercial shipbuilding orders in the international market.

This agreement is fatally flawed in that it permits other governments to continue direct subsidy shipbuilding payments to their yards until 1999 as long as those subsidies are committed by the end of this year. The last direct U.S. commercial subsidy program was unilaterally terminated by our Government in 1981, a full 15 years ago. I find it appalling that U.S. negotiators took part in formulation of an agreement in which numerous exceptions are granted to specific subsidizing foreign governments totaling billions of dollars. How this combination of provisions does anything other than make the inter-

national commercial playing field even more lopsided against unsubsidized American shipbuilders escapes me.

A French shipyard received a subsidy package in the range of \$480 million after the agreements were concluded and our negotiators had returned home. That event alone should have provided more than ample grounds for our Government to insist on reopening the negotiations for the purpose of gaining more equitable treatment for the unsubsidized U.S. industry. Other subsidies are actually provided for in the agreement, including subsidies to Spain, Portugal, and Belgium.

It is unfortunate, to say the least, that the administration chose to ignore this information and not respond favorably last December to the formal request of the six major U.S. shipbuilders which represent 95 percent of all active American shipbuilding workers that the United States not sign the agreement in its present form.

I will support the Bateman amendments but I will also oppose final passage. Bateman will fix some of the weaknesses in the bill, but, by the same token, they do not go far enough.

Mr. CRANE. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

□ 1230

Mr. RICHARDSON. Mr. Chairman, I speak as a 14-year member of the Democratic Party with a 90-percent labor voting record. The AFL-CIO has been mentioned here. Yes, they are opposed, but let me state that their opposition stems from following the lead of the big Navy-oriented yards.

Mr. Chairman, while 80 percent or more of total employment in shipbuilding is in these big yards, these yards primarily build Navy ships, not commercial ships. Over 90 percent of commercial ships are built in yards other than these Navy yards. The bill does not affect military ships. The big Navy yards are hopeful for big new subsidies for commercial ships. That is very enlightening. Jobs would be created for commercial yards to build more, but they cannot compete with the much larger subsidies from foreigners.

Foreign subsidies are more than \$4 billion. U.S. subsidies are \$50 million. This is the reason for the agreement to eliminate these subsidies, so we can create more American jobs, so our shipbuilders are more active and can compete more. The agreement would eliminate these unfair subsidies that we cannot compete with.

This is a good bill, this is an amendment that would violate the fair trade agreement.

Significant growth is projected for the highly competitive international shipbuilding market, while domestic military and commercial mar-

kets are expected to be small. The commercial shipbuilding market is projected to be \$265 billion for the period 1992 to 2001.

American shipbuilders are being squeezed out of this market by heavy foreign government shipyard subsidies. This agreement eliminates those subsidies and allows the American builders to compete on a level playing field with the major shipbuilding countries of the world.

We are in the midst of tight fiscal pressures to reduce our own spending, we cannot compete with major industrialized nations in a race to subsidize our shipping industries.

The United States must take the lead in implementing this agreement. It will signal our commitment to freer markets to the international community. The strength of U.S. industry is its ability to compete. This agreement will give American shipbuilders the opportunity to expand operations and increase their production.

International leadership requires courage and vision. Let's demonstrate to the world that we are looking forward and embracing the principles that have made America great.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, I thank the gentleman for yielding to me, and I want to associate myself with his remarks and rise in opposition to the amendment and in support of the bill.

Let me say sadly and somewhat soberly that we have been here before. In the early 1980's, this country decided that it could no longer afford to and no longer wished to try to compete with the subsidies of foreign nations for the construction of vessels. We withdrew and, ironically, this agreement before us, the ratification of it, is a result, ultimately, of a suit brought under our own trade laws by our own shipbuilding industry, which concluded they could not possibly win a battle of competition with the subsidies of foreign nations.

We cannot afford to go back there. I think in the long run our best bet is a world without these subsidies and, therefore, I complement the gentleman and join him in his remarks.

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

The gentleman from Virginia [Mr. BATEMAN] stated earlier that because the USTR is reopening the agreement to add 6 months to the delivery date, that it can renegotiate to permit us to retain title XI. And I want to explain to colleagues that is not correct. It will be impossible to reopen the agreement, as Mr. BATEMAN suggests.

The agreement currently provides that no subsidies may be awarded under the agreement after the effective date of the agreement, July 15. Subsidies may be granted before that point as long as the vessel is constructed by December 31, 1998. The signatories had originally agreed that the agreement would take effect on February 1, 1996.

That date had to be delayed 6 months because the United States was not ready to implement. However, the December 31, 1998, delivery date remained in place.

The administration is merely seeking a change applicable to all countries that would extend the delivery date 6 months to match the delayed starting date. The administration is not renegotiating the agreement. This change can be made merely through an understanding.

Our trading partners appear to be willing to discuss this limited change that applies to all countries equally. However, our trading partners have told us that they will not renegotiate the agreement under the terms set forth in the Bateman amendment because it would destroy the balance in the agreement and give the United States an undue advantage.

Mr. Chairman, I reserve the balance of my time.

Mr. BATEMAN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding me this time. I want to make a couple of closing remarks, first to my friend, the gentleman from Illinois [Mr. CRANE], a dear friend and one of the real leaders in this Congress with respect to trade. I know that the President's, the Clinton administration's appointees in the Pentagon have said there is no threat to national security. They also told us the other day and repeated in a statement there is no threat to this country in terms of incoming ballistic missiles. Both of us disagree with the second statement that they made, and I think we should both disagree with the first statement they have made.

Mr. Chairman, I want to remind my colleagues that all of the nations which are signatories to this agreement, all the major nations that are asking us to give up our national shipbuilding program, are nations that in this century have been saved militarily or protected militarily by America's national shipbuilding program. They will wait for us to work this agreement and make it right before they sign it.

Second, my colleagues, this is a sovereignty issue. We are doing the same thing we did in the World Trade Organization, where we are giving up the right to a foreign judge to decide what is a military program. And I would just remind Members that the latest World Trade Organization ruling under WTO, in which foreign judges said Brazil and Venezuela can send dirty gas into the United States and, in the absence of that, retaliate against Americans, because they said that our environmental laws were in conflict with the World Trade Organization's ideas of what those laws should be. We will see exactly the same thing here because these foreign tribunals reserve to

themselves the definition of what is an American military shipbuilding program.

This is a sovereignty issue. Every single conservative should vote against the bill and for the Bateman amendment because it fixes some of those sovereignty problems on that basis. This is also predominantly a national security issue. I would hope that when national security goes head to head with economic considerations, national security with respect to maritime power should predominate. Please vote for the Bateman amendment.

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

On the question of whether the agreement unfairly disadvantages the United States, let me reassure colleagues that other countries are not permitted to transition, as the gentleman from California [Mr. DELLUMS] had earlier suggested. The agreement does provide for some existing shipbuilding restructuring programs to be phased out in Spain, Portugal, and Belgium; however, these programs are primarily for the express purpose of reducing capacity in the respective shipbuilding industries of these nations, not for expanding the industry or supporting specific ship construction activities.

The precise terms of these programs, the amounts of funding, the purpose and deadlines for completion of these programs are spelled out in the agreement. The downsizing of European shipbuilding capacity is in the best interest of this Nation and the United States shipbuilding industry and should be encouraged. The special provisions result in an advantage, not a disadvantage to United States shipbuilders that wish to compete in the world shipbuilding marketplace.

No other countries have received special deals. Without the OECD agreement there would be no way to monitor or control these programs. They could continue indefinitely at any level of funding for whatever purpose they chose. The Bateman amendment would not provide us with transition; it would completely and unequivocally kill the agreement and all we have achieved.

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, may I inquire as to the remaining amount of time on either side?

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] has 1½ minutes remaining; the gentleman from Virginia [Mr. BATEMAN] has 2 minutes remaining; and the gentleman from Illinois [Mr. CRANE] has 14½ minutes remaining.

Mr. DELLUMS. Mr. Chairman, I yield the balance of my time, 1½ minutes, to my distinguished colleague, the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding me this

time and I rise in strong support of the Bateman amendment and want to talk a little bit with the membership about why the agreement without this amendment is so flawed.

The agreement essentially will not end foreign subsidy and dumping practices, it will, however, kill the recent rebirth of commercial shipbuilding in our country. It will eliminate thousands of highly skilled jobs in our shipyards and in the thousands of industries throughout 46 States which supply our shipyards.

While our Trade Representative was at the negotiating table, it is important to point out that South Korea announced a \$750 million bailout of its Daewoo Shipyard, which has been dumping ships on the world's market; Germany granted a \$4 billion shipyard modernization subsidy to its shipyards, monies which are still being disbursed.

Our negotiators agreed to grandfather these special subsidies, and though our trade negotiator maintains that restructuring is supposed to be tied to closure of facilities and associated worker retraining, that is not how foreign governments see it. In fact, Spain is spending \$723 million to modernize all of its existing facilities with no closures planned.

Further, the overall agreement fails to discipline the ship dumping practices of Japan and South Korea, and even though China has just begun to target shipbuilding as a means to develop its manufacturing industries, China is not a signatory to this agreement, nor is Poland, nor is Russia.

So what did America get out of this deal? Nothing. What did American shipbuilders get out of this deal? Nothing. And what did American workers get out of this deal? Nothing. In fact, our negotiators agreed to immediately gut the modest title XI ship loan program that is included in the Bateman amendment. So without the Bateman amendment we will kiss more U.S. shipyard jobs goodbye.

Mr. Chairman, I urge my colleagues to support the Bateman amendment and, without its inclusion, to oppose the bill.

Mr. BATEMAN. Mr. Chairman, I yield myself the remainder of my time, and say in closing the debate on behalf of the Committee on National Security that it is passing strange to have heard my amendment referred to as reasonable on its face and modest, and at the same time be told that we are going to unravel an agreement and that we are violating an agreement.

Mr. Chairman, we will not be violating an agreement. What we are contemplating is essentially a proposed agreement until and unless this Congress, in the exercise of its sovereign right for the people of the United States, determines that this is an agreement that should be implemented.

My amendment, contrary to some who would have me taking a position of total opposition to any agreement, is a midpoint. It simply says there are flaws in this proposed agreement which had been identified, and, in the interest and protection of American shipbuilding because of its importance to American national security, need to be modified.

If the other nations who purport to be in agreement on this agreement are unwilling to accept these modest transition provisions, it speaks volumes to me as to whether or not they were seriously interested in ending shipbuilding subsidies. I am. We should be.

This is not about doing that. This is about modest, reasonable transition provisions in protection of the core American shipbuilding capability, which is absolutely essential to our national security. And it is those shipyards and the workers in those shipyards and the merchant mariners who man American ships, and because of the importance of that merchant marine to the United States, that ask that Members vote for the Bateman amendment.

Mr. CRANE. Mr. Chairman, I yield the remainder of my time to the gentleman from Florida, SAM GIBBONS, our distinguished ranking minority member for closing remarks, and I want to pay tribute to him again as the man who served for so long as chairman of the trade subcommittee on which I served in my ranking minority position. We have worked collegially for years together and I pay tribute to this great man from Florida.

□ 1245

Mr. GIBBONS. Mr. Chairman, I thank the gentleman from Illinois [Mr. CRANE] and others of my colleagues who have recognized my service here, and I want to say to them I close this debate with certainly no personal rancor toward them or to the cause that they advocate.

I am here to give the best of my knowledge to the Members of this House, and the best of my judgment about the outcomes of actions we may take, what will follow.

Mr. Chairman, over the years, ever since World War II, the United States has been backing out of the subsidy in shipbuilding. Through the 1950's and the 1960's we cut back on our appropriations to commercial shipbuilding subsidies. Through the 1970's we did the same thing, and finally in the 1980's, under a procedure here on the budget reconciliation bill, the minority, together with some Members of the majority, got control of the situation through the Gramm-Latta substitute and actually abolished all the shipbuilding subsidies they could find. So since the 1980's the United States has had absolutely no shipbuilding subsidies of any consequence.

Now, as I sat here attentively listening to this debate today, I had been hoping that I would find something that I had not heard before that perhaps I could respond to or answer a question about.

Now, I know that negotiations are a tedious process. I participated in the launching of these negotiations many, many years ago. The negotiations have actually gone on for more than 5 years. Prior to that, I met with all of the shipbuilding industry in the United States. They all, because of my responsibilities, came by to see me. I sat down with them all in my office over here in the Rayburn building and we agreed to launch these negotiations.

Now, as I hear these negotiations discussed, I would have to believe that they were not even a party to the negotiations, but they sent representatives to these negotiations that sat there with our negotiators and participated in all of these negotiations. Nobody was surprised about anything that was brought up. They would come back from these negotiations and come to see me and we would discuss these points.

Mr. Chairman, I started unilateral U.S. action against these countries because at first they would not even negotiate with us on this. They would just come to the sessions and say no. Finally, they got concerned enough about the actions of Congress here to come to the negotiations and really truthfully begin the negotiations, and 5 tortuous years of negotiations took place.

During those 5 tortuous years, everybody in the shipbuilding industry had somebody around the negotiating table there to kibitz and to add their suggestions as to what should be done. Concessions were made back and forth. Deals were entered into and agreed to. Finally, all of these mutual concessions and negotiations came to an agreement.

I celebrated, as did the shipbuilding industry at that time, because we thought we had a good agreement and I believe we still do have a good agreement.

One thing was overlooked. The Committee on National Security found and rejuvenated an old, old subsidy that goes back to 1936; one that had been overlooked in the 1981 abolishment of all subsidies. Perfectly all right.

Under the standstill agreement that is a part of the general agreement we are talking about here today, all countries agreed to stand still and not to go out and create new additional subsidies, and this little subsidy for \$50 million that the Committee on National Security found qualified as one of those that could still be used. So, Mr. Chairman, some of our yards got a little jump out of that.

But tomorrow, Mr. Chairman, June 15, is the deadline for us to take affirm-

ative action on this agreement. If we do not take affirmative action in this House today to ratify this agreement, all of the other nations that have agreed to this agreement will back out of it. They have not just told us that; they put it in writing, and it is in yesterday's CONGRESSIONAL RECORD there for my colleagues' examination.

Now, I know my friend, the gentleman from California [Mr. DELLUMS], believes that they will come back to the negotiating table. Well, I do not have the optimism that he has. Perhaps my lack of optimism is caused by having followed this agreement so closely over the years. All of these other nations are having trouble with their own shipbuilders, and the only reason they are standing still is because their word is good. But once we back out of the agreement, I do not see them coming back to the negotiating table to do what the gentleman from Virginia [Mr. BATEMAN] wants to do here.

Mr. Chairman, let me say this. This agreement was negotiated with everybody participating. Every American shipbuilder in the United States had an opportunity and most of them did participate in this agreement. It was an agreement that had concessions on all sides. On our side, the Jones Act people put up a good case, and every other nation on Earth that participated in this agreement got rid of their so-called Jones Act subsidies or protection except the United States. We got a concession there. But a resulting concession had to come in, and that is that the Jones Act people, acting under the protection that they get from the Jones Act, would not take the economic advantage that they got from their Jones Act protection and go out and get a double dip under the international marketplace agreement that was negotiated here. That is all that is involved here.

Now, the Department of Defense has signed off on this agreement. They followed the negotiation, both Republican and Democratic administrations. They have been a part of it. They know the consequences of it, and they are not concerned about it at all. The letter from the Secretary of Defense is also in the record.

So, Mr. Chairman, this is not a national security issue; it is an economic issue for America. We stand on the verge of entering into the international shipbuilding market for the first time since 1981. If we do not take this advantage, we are going to lose a lot of jobs that we already have in the United States, and we are not going to take the opportunity to get the new jobs that are coming about because of the rapid obsolescence of the world's merchant marine fleet. American shipyards are competitive. They can compete against the best shipyards around the world. Our labor costs are low. Let

me repeat that: Our labor costs are low and our technology is high.

What has defeated us all these years is that all of the other nations on Earth continued their subsidies, continued their unfair pricing, and we sat with our hands tied. Do not let us go down today with our hands continually tied behind us. Give our yards an opportunity to get out and compete.

Shipbuilders from all over the United States have come and talked to me about, "Mr. GIBBONS, if we could only get these subsidies ended, we can compete. But if we cannot end these subsidies right now, we are going to have to go on welfare."

Now, that is not fair. There are many conflicting interests in all of this in the United States, and I respect everyone's interest in this. I accuse no one of any unfair, undemocratic practices. But the problem is we have got a once-in-a-lifetime opportunity to get rid of these pernicious worldwide subsidies. If we do not do it now, the RECORD already reflects that our trading partners will back out. We cannot afford to do that.

It is really bigger than this shipbuilding issue. Ever since I have had a responsibility for monitoring our international trade negotiations, the rest of the world is structured politically different than we. No one has a Congress or a lawmaking body that is as powerful and as intrusive in the process as the Congress of the United States, and all of the rest of the world understands that and knows that.

That is the reason why they will not deal with us on any kind of international agreement unless we have what we call fast track. A horrible misnomer, but I think all of us know what it is. They accuse us time and time again, in all international negotiations, of coming back to the House floor and the Senate floor and unraveling all of the mutual concessions that were made in the agreement.

That is really what we are doing here today. I know we do not recognize it but they recognize it. They are resisting that, not only because of shipbuilding but because of all of the other negotiations that they have carried on with us and will carry on with us over the period of time.

So this is a big issue. It is a big issue about how we organize a peaceful world, a world that lives under law, a world that lives under law openly developed and put forward and negotiated and agreed to by the different bodies of this country.

Certainly the Committee on National Security has a role in all of this. I guess I regret as I stand here now that they probably were not involved in it enough during the negotiating process. I am sorry I did not call it to their attention. But I thought that all of the shipbuilders in this country, particularly the large Navy yards that are so

dependent on national security contracts, were keeping in touch with their other Members of Congress. I can tell my colleagues that I spent a lot of other time with them, time that I could have better spent on Florida concerns rather than on national concerns.

So believe me, we have got an opportunity here today. We have got an opportunity to get a good agreement. This is the best agreement that American negotiators, including the private sector in all of these negotiations, could work out in 5 tortuous years. Four sets of negotiators, Republican and Democrat. We wore out in these negotiations. We cannot go back and undo all of that again because of these rather last-minute concessions.

At best, if the Bateman amendment succeeds, it will last until Monday. It will last until Monday, and then it is gone, because it is only protected by the standstill agreement that is in this basic agreement. The other nations have told us, "If you are not going to agree to it, we are not going to stand still," and they will meet and match on Monday the Bateman amendment subsidy, and there will be no more advantage, as temporary as it is, for the United States under the Bateman amendment. That is what all of this is about.

This is perhaps my swan song on trade. I may have a few words on some other things around here before my term expires, but I want to thank the Members of Congress for listening to me, and I want to thank you also for this opportunity to participate.

Mr. CRANE. Mr. Chairman, I yield 30 seconds to the gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Chairman, I just want to echo what the gentleman from Florida [Mr. GIBBONS] was talking about, and to tell the gentleman that the day has already arrived.

Mr. Chairman, just yesterday in my district, a press release came from the Alabama shipyard, and it is based upon whether or not this agreement is enacted, where they signed a contract for five Russian tankers to be built in the State of Alabama. We are talking about 600 new jobs.

Mr. Chairman, I chair or have chaired for the past 8 years, the revitalization of the shipbuilding industry in this country. This is the biggest thing that we have going for us. We are now here. We already have achieved contracts, created jobs. If we turn this back, then we are going to lose American jobs.

So, Mr. Chairman, I would encourage my colleagues to vote against the Bateman amendment and encourage them to support the bill once the Bateman amendment is rejected.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Virginia [Mr. BATEMAN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CRANE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 278, noes 149, not voting 7, as follows:

[Roll No. 237]

AYES—278

Abercrombie	Flanagan	McKeon
Ackerman	Foglietta	McKinney
Andrews	Forbes	McNulty
Baessler	Ford	Meehan
Baker (LA)	Fox	Meek
Baldacci	Frank (MA)	Menendez
Ballenger	Franks (CT)	Metcalfe
Barcia	Franks (NJ)	Mica
Barr	Frost	Millender-
Barrett (WI)	Funderburk	McDonald
Bartlett	Furse	Mink
Bateman	Gallely	Moakley
Becerra	Gedensson	Mollinari
Bilirakis	Gekas	Mollohan
Bishop	Gephardt	Montgomery
Bliley	Geren	Moorhead
Blute	Gilman	Moran
Boehert	Gonzalez	Morella
Bonior	Goodlatte	Murtha
Borski	Goodling	Myers
Boucher	Gordon	Nadler
Brown (CA)	Graham	Neal
Brown (FL)	Green (TX)	Neumann
Brown (OH)	Greenwood	Ney
Bryant (TN)	Gunderson	Norwood
Bryant (TX)	Gutierrez	Oberstar
Burr	Hall (OH)	Obey
Burton	Hansen	Oliver
Buyer	Harman	Ortiz
Calvert	Hayes	Owens
Chambliss	Hayworth	Packard
Chenoweth	Hefner	Pallone
Clay	Hilleary	Pastor
Clayton	Hinchey	Payne (NJ)
Clement	Hoke	Payne (VA)
Clyburn	Holden	Pelosi
Coburn	Horn	Peterson (MN)
Coleman	Hostettler	Pickett
Collins (IL)	Hunter	Pombo
Collins (MI)	Hutchinson	Pomeroy
Condit	Hyde	Porter
Conyers	Inglis	Poshard
Cooley	Jackson (IL)	Quillen
Costello	Jackson-Lee	Rahall
Coyne	(TX)	Reed
Crapo	Jefferson	Regula
Cummings	Johnson (SD)	Riggs
Cunningham	Jones	Rivers
Danner	Kanjorski	Roberts
Davis	Kaptur	Roemer
Deal	Kelly	Rogers
DeFazio	Kennedy (MA)	Ros-Lehtinen
DeLauro	Kennedy (RI)	Rose
Dellums	Kildee	Roukema
Diaz-Balart	Kleczka	Roybal-Allard
Dickey	Klink	Rush
Dingell	LaFalce	Sabo
Dixon	LaHood	Sanders
Doggett	Lantos	Saxton
Dooley	LaTourette	Scarborough
Doolittle	Lazio	Schaefer
Dorman	Lewis (CA)	Schiff
Doyle	Lewis (GA)	Schumer
Duncan	Lipinski	Scott
Durbin	Livingston	Seastrand
Edwards	Loftgren	Serrano
Ehrlich	Longley	Shuster
Emerson	Lowey	Siskis
Engel	Lucas	Skeen
Eshoo	Maloney	Skelton
Evans	Manton	Slaughter
Ewing	Markey	Smith (MI)
Farr	Martinez	Smith (NJ)
Fattah	Martini	Solomon
Fazio	Mascara	Souder
Fields (LA)	McHale	Spence
Fields (TX)	McHugh	Spratt
Filner	McInnis	Stark
Flake	McIntosh	Stockman

Stokes
Stump
Stupak
Talent
Tanner
Tate
Tausin
Taylor (MS)
Tejeda
Thompson
Thornberry
Thornton
Tiahrt
Torkildsen
Torres

Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)

Weldon (FL)
Weldon (PA)
Weller
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—149

Allard
Archer
Armey
Bachus
Baker (CA)
Barrett (NE)
Barton
Bass
Bellenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Blumenauer
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bunn
Bunning
Callahan
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chapman
Christensen
Chrysler
Clinger
Coble
Collins (GA)
Combest
Cox
Cramer
Crane
Creameans
Cubin
de la Garza
DeLay
Deutsch
Dicks
Dreier
Dunn
Ehlers
English

Ensign
Everett
Fawell
Foley
Fowler
Frelinghuysen
Frisa
Ganske
Gibbons
Gilchrist
Goss
Gutknecht
Hall (TX)
Hamilton
Hancock
Hastert
Hastings (FL)
Hastings (WA)
Hefley
Heineman
Herger
Hilliard
Hobson
Hoekstra
Hoyer
Istook
Jacobs
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Johnston
Kasich
Kennelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Largent
Latham
Laughlin
Leach
Levin
Lewis (KY)
Lightfoot
Linder
LoBiondo
Luther
Manzullo

Matsui
McCarthy
McCollum
McCrery
McDermott
Meyers
Miller (FL)
Minge
Myrick
Nethercutt
Nussle
Orton
Parker
Paxon
Peterson (FL)
Petri
Portman
Pryce
Quinn
Radanovich
Ramstad
Rangel
Richardson
Rohrabacher
Roth
Royce
Salmon
Sanford
Sawyer
Schroeder
Sensenbrenner
Shadegg
Shaw
Shays
Skaggs
Smith (TX)
Smith (WA)
Stearns
Stenholm
Studds
Taylor (NC)
Thomas
Thurman
Walker
Waxman
White
Whitfield
Zeliff
Zimmer

NOT VOTING—7

Gillmor
Greene (UT)
Houghton

□ 1321

Messrs. KIM, KNOLLENBERG, FOLEY, MCCOLLUM, ZELIFF, SHAD-EGG, CANADY of Florida, and HOYER changed their vote from "aye" to "no."

Messrs. GILMAN, EWING, WELLER, Mrs. MEEK of Florida, and Mr. BARRETT of Wisconsin changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The Committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BARRETT of Nebraska) having assumed the chair, Mr. GUTKNECHT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2754), to approve and implement the OECD Shipbuilding Trade Agreement, pursuant to House Resolution 448, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule the previous question is ordered.

Is a separate vote demanded on the amendment to the Committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the Committee amendment in the nature of a substitute.

The Committee amendment in the nature of a substitute amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DAVIS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 325, noes 100, not voting 9, as follows:

[Roll No. 238]

AYES—325

Ackerman
Allard
Andrews
Baesler
Baker (LA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bellenson
Bentsen
Bereuter
Berman
Bilbray
Billirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Bonior
Bono
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)

Brownback
Bryant (TN)
Bryant (TX)
Bunn
Burr
Calvert
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (MI)
Condit
Conyers
Crane
Creameans
Cummings
Cunningham
Danner
Davis
Deal
DeFazio

DeLauro
Dellums
Deutsch
Dickey
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Durbin
Ehlers
Ehrlich
Emerson
Engel
Ensign
Eshoo
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Forbes
Ford
Fox
Frank (MA)

Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrist
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Greene (UT)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hancock
Hansen
Harman
Hastings (FL)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hinchey
Hoekstra
Hoke
Horn
Hostettler
Hoyer
Hutchinson
Hyde
Ingalls
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kleczka
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)

Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markay
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalfe
Mica
Millender-
McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinar
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Ney
Norwood
Oliver
Ortiz
Orton
Owens
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Pryce
Quillen
Quinn
Radanovich
Rangel
Reed
Regula
Richardson
Riggs

NOES—100

Abercrombie
Archer
Armey
Bachus
Baker (CA)
Barr
Barton
Bevill
Boehner
Bonilla
Browder
Bunning
Burton
Callahan
Camp
Chenoweth
Chrysler

Collins (GA)
Collins (IL)
Combest
Coolley
Costello
Cox
Coyne
Cramer
Crapo
Cubin
de la Garza
DeLay
Diaz-Balart
Dicks
Doolittle
Dorman
Dunn

Rivers
Roberts
Roemer
Rogers
Roth
Roukema
Roybal-Allard
Sabo
Sanders
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Solomon
Souder
Spence
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Talent
Tate
Tausin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Torkildsen
Torres
Towns
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wicker
Williams
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)
Zeliff

Johnson, Sam	Oberstar	Smith (WA)
Kingston	Obey	Stearns
Klink	Pombo	Stockman
Klug	Portman	Stump
Kolbe	Poshard	Tanner
Lantos	Rahall	Taylor (MS)
Laughlin	Ramstad	Thompson
Lewis (KY)	Rohrabacher	Tiahrt
LoBlundo	Ros-Lehtinen	Torricelli
Longley	Rose	Trafilant
McCrary	Royce	White
McDermott	Rush	Whitfield
Mollohan	Salmon	Wise
Montgomery	Sanford	Yates
Nethercutt	Schroeder	Zimmer
Neumann	Shadegg	
Nussle	Smith (NJ)	

NOT VOTING—9

Buyer	Green (TX)	McDade
Edwards	Houghton	Meyers
Gillmor	Lincoln	Oxley

□ 1342

Mr. McNULTY changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall vote No. 238 earlier today I was unavoidably detained. Had I been present, I would have voted "aye."

GENERAL LEAVE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2754, the bill just passed.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from New York?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3610, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 453 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 453

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3610) making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(1)(6) of rule XI, clause 7 of rule XXI, or section 302(c) of the Congressional Budget Act of 1974 are waived. General debate shall be confined

to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. Before consideration of any other amendment it shall be in order without intervention of any point of order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Young of Florida or his designee. That amendment shall be considered as read, may amend portions of the bill not yet read for amendment, shall be debatable for twenty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. If that amendment is adopted, the bill, as amended, shall be considered as the original bill for the purpose of further amendment. After disposition of that amendment, during further consideration of the bill pursuant to this resolution, the appropriate allocation of new discretionary budget authority within the meaning of section 302(f)(1) of the Congressional Budget Act of 1974 shall be \$245,065,000,000. The corresponding level of budget outlays shall be \$243,372,000,000. During further consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment. The Chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than fifteen minutes. After the reading of the final lines of the bill, a motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall, if offered by the majority leader or a designee, have precedence over a motion to amend. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1345

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of the reso-

lution, all time yielded is for debate purposes only.

Mr. Speaker, House Resolution 453 is an open rule providing for the consideration H.R. 3610, the Defense Department appropriations bill for fiscal year 1997.

The rule provides for 1 hour of general debate equally divided between the chairman and ranking minority member of the Appropriations Committee. The rule waives the 3-day availability requirements for the committee report and the published hearings.

The report was filed Tuesday morning and was available to Members yesterday. So today is the second day of its availability.

The rule contains a technical waiver of section 302(c) of the Budget Act which prohibits consideration of an appropriations bill until the committee has made allocations pursuant to the most recent budget resolution. Since the House just last night adopted the conference report on the budget resolution for fiscal 1997, and the Appropriations Committee has not yet filed its new subcommittee allocations based on that resolution, this technical waiver is necessary.

However, the rule does provide a mechanism for bringing the bill within its new suballocations which were voted on in committee this morning.

Under the rule, a manager's amendment by Subcommittee Chairman YOUNG, which is printed in the report on the rule, will be considered at the outset.

That amendment reduces the funding level in the bill by another \$500 million, thereby bringing the bill back under its new 602(b) allocations.

The manager's amendment will be debated for 20 minutes divided between the proponent and opponent.

While it is nonamendable at the outset, if it is adopted its provisions will be folded into the base text for purposes of further amendment under the open amendment process.

In addition, if the amendment is adopted, the rule provides that the new discretionary ceilings for budget authority and outlays will be in effect for the consideration of the bill.

Mr. Speaker, the rule further waives clauses 2 and 6 of House Rule XXI against provisions in the bill. Those rules prohibit the consideration of unauthorized and legislative provisions in appropriations bills, and the transfers of unobligated balances.

While the House has passed its defense authorization bill, it has not yet become law. However, we are informed that this bill closely tracks the decisions we made on that authorization bill, and that the chairman of the National Security Committee has no objection to these waivers. The rule further provides priority in recognition to Members whose amendments have been pre-printed in the CONGRESSIONAL

RECORD. It allows the Chairman of the Committee of the Whole to postpone and cluster recorded votes to save the time of the House.

In addition, the rule permits the majority leader to offer the privileged motion to rise and report the bill back to the House at any time after the final lines of the bill have been read. Finally, the rule provides for one motion to recommit, with or without instructions.

In summary on the rule, Mr. Speaker, this is a complicated rule, admittedly, given the transition we are making from the previous budget allocations to the new ones. But in so doing, the rule brings the bill into conformity with the budget conference report adopted yesterday and the new allocations proposed by the Appropriations Committee today.

It is important that we comply with our budgetary decisions, and this rule makes that possible.

In the final analysis, this is a fair and open rule. That was reflected in the rule's unanimous adoption by voice vote in the Rules Committee yesterday, and its support by Chairman BILL YOUNG and Ranking Member JOHN MURTHA who have worked very hard together to conform this bill to the budget conference agreement. In that same, bipartisan spirit, I urge the adoption of the rule by the House today.

On the bill itself, I would like to commend Chairman YOUNG and Mr. MURTHA for once again putting together an excellent bill that takes care of this Nation's defense needs within the very tight budget constraints we all face.

Mr. Speaker, for the fourth year in a row, the Clinton administration has sent to Congress a defense budget re-

quest that is simply inadequate to this country's needs.

Of particular note was this year's weapons procurement requests of only \$39 billion, which is \$21 billion short of where the joint Chiefs of Staff tell us that we need to be in just a few years.

And that is important, Mr. Speaker. The joint Chiefs of Staff and this Nation's military commanders are telling us that the modernization of our weaponry is grossly underfunded. So let's remember that when we here the catcalls that we are going beyond the Pentagon request in this bill.

It is the President's political request that we are going beyond, and well we should, because the needs of our men and women in uniform outweigh any political need. So I commend the committee for adding \$5.7 billion dollars to the President's weapons procurement request.

Mr. Speaker, weapons purchases have declined by 70 percent since 1985, and that is precisely what has led to today's severe modernization problems.

This increase, along with a large increase in the President's ammunition request, will help fulfill one of the most sacred obligations the U.S. Government has: Ensuring that American soldiers and sailors have a plentiful supply of the best weapons and equipment available so that they can adequately defend themselves in battle.

Anything less than that is unforgivable.

Our military personnel are also helped in this bill by a full 3 percent pay increase as well as a 4.6 percent increase in the basic housing allowance.

This bill makes positive strides in other categories as well. The Appropriations Committee added \$2.9 billion to the President's request for Research

and Development, including \$704 million for missile defense.

On that note, let me just say that it's high time for this President to commit himself to defending the American people against ballistic missiles. The time for talk is over. There are no more excuses for not protecting ourselves from this threat.

Mr. Speaker, the long slide in defense spending must come to an end. The end of the cold war did not mean that American forces don't need the best equipment and weaponry they can possibly get. They do. And the end of the Cold War certainly didn't mean that there are no threats to peace in the world. There are.

Anybody reading the papers lately knows that Communist China, for instance, is both massively increasing its own military and helping to transfer the technology to build weapons of mass destruction to rogue nations like Iran.

Slashing our defense budget, refusing to build missile defenses and appeasing countries like Communist China is no way to deal with these threats. Unfortunately, that is precisely what President Clinton is doing. Fortunately, however, we are beginning to take steps in this Congress to reverse this situation. And we can continue that reversal by adopting this bill before us today.

Once again, Chairman YOUNG, Mr. MURTHA, and their staffs deserve high praise for their work and I urge support for this rule and this critical legislation.

Mr. Speaker, I include the following material for the RECORD:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,¹ 103D CONGRESS V. 104TH CONGRESS

(As of June 13, 1996)

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-Open ²	46	44	73	59
Structured/Modified Closed ³	49	47	33	27
Closed ⁴	9	9	17	14
Total	104	100	123	100

¹ This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

² An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

³ A structured or modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

⁴ A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

(As of June 12, 1996)

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350-71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255-172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229-199; A: 227-197 (2/15/95).
H. Res. 88 (2/16/95)	MO	H.R. 831	Health Insurance Deductibility	PQ: 230-191; A: 229-188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of June 12, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282-144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252-175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253-165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271-151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	A: voice vote (3/6/95).
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: 257-155 (3/7/95).
H. Res. 105 (3/6/95)	MO			A: voice vote (3/8/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	PQ: 234-191 A: 247-181 (3/9/95).
H. Res. 109 (3/8/95)	MC			A: 242-190 (3/15/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: voice vote (3/28/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: 217-211 (3/22/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: 423-1 (4/4/95).
H. Res. 119 (3/21/95)	MC			A: voice vote (4/6/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 228-204 (4/5/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: 253-172 (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: voice vote (5/2/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 414-4 (5/10/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/15/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	PQ: 252-170 A: 255-168 (5/17/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 233-176 (5/23/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	PQ: 225-191 A: 233-183 (6/13/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	PQ: 223-180 A: 245-155 (6/16/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	PQ: 232-196 A: 236-191 (6/20/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 221-178 A: 217-175 (6/22/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: voice vote (7/12/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 258-170 A: 271-152 (6/28/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 236-194 A: 234-192 (6/29/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 235-193 D: 192-238 (7/12/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 230-194 A: 229-195 (7/13/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	PQ: 242-185 A: voice vote (7/18/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 232-192 A: voice vote (7/18/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	A: voice vote (7/20/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 217-202 (7/21/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	A: voice vote (7/24/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	A: voice vote (8/1/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: 409-1 (7/31/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	A: 255-156 (8/2/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: 323-104 (8/2/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (9/12/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VAHUD Approps. FY 1996	A: voice vote (9/12/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (9/13/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 414-0 (9/13/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 388-2 (9/19/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	PQ: 241-173 A: 375-39-1 (9/20/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: 304-118 (9/20/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: 344-66-1 (9/27/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/28/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: voice vote (9/27/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: voice vote (10/18/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 231-194 A: 227-192 (10/19/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	PQ: 235-184 A: voice vote (10/31/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	PQ: 228-191 A: 235-185 (10/26/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: 237-190 (11/1/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: 241-181 (11/1/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: 216-210 (11/8/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: 220-200 (11/10/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (11/14/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	A: 220-185 (11/10/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	A: voice vote (11/15/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	A: 249-176 (11/15/95).
H. Res. 251 (10/31/95)	C	H.R. 2491	Seven-Year Balanced Budget	A: 239-181 (11/17/95).
H. Res. 252 (10/31/95)	MO	H.R. 1833	Partial Birth Abortion Ban	A: voice vote (11/30/95).
H. Res. 257 (11/7/95)	C	H.R. 2548	D.C. Approps.	A: voice vote (12/6/95).
H. Res. 258 (11/8/95)	MC	H.J. Res. 115	Cont. Res. FY 1996	PQ: 223-183 A: 228-184 (12/14/95).
H. Res. 259 (11/9/95)	O	H.R. 2586	Debt Limit	PQ: 221-197 A: voice vote (5/15/96).
H. Res. 262 (11/9/95)	O	H.R. 2539	CC Termination Act	PQ: 230-188 A: 229-189 (12/19/95).
H. Res. 269 (11/15/95)	C	H.R. 2586	Increase Debt Limit	A: voice vote (12/20/95).
H. Res. 270 (11/15/95)	O	H.R. 2564	Lobbying Reform	Tabled (2/28/96).
H. Res. 273 (11/16/95)	MC	H.J. Res. 122	Further Cont. Resolution	PQ: 228-182 A: 244-168 (2/28/96).
H. Res. 284 (11/23/95)	O	H.R. 2606	Prohibition on Funds for Bosnia	Tabled (4/17/96).
H. Res. 287 (11/30/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (3/7/96).
H. Res. 293 (12/7/95)	O	H.R. 1350	Maritime Security Act	PQ: 233-152 A: voice vote (3/19/96).
H. Res. 303 (12/13/95)	O	H.R. 2621	Protect Federal Trust Funds	PQ: 234-187 A: 237-183 (3/21/96).
H. Res. 309 (12/18/95)	C	H.R. 1745	Utah Public Lands	A: 244-166 (3/22/96).
H. Res. 313 (12/19/95)	O	H. Con. Res. 122	Budget Res. W/President	PQ: 232-180 A: 232-177 (3/28/96).
H. Res. 323 (12/21/95)	C	H.R. 558	Texas Low-Level Radioactive	PQ: 229-186 A: voice vote (3/29/96).
H. Res. 366 (2/27/96)	MC	H.R. 2677	Natl. Parks & Wildlife Refuge	PQ: 232-168 A: 234-162 (4/15/96).
H. Res. 368 (2/28/96)	O	H.R. 2854	Farm Bill	
H. Res. 371 (3/6/96)	C	H.R. 994	Small Business Growth	
H. Res. 372 (3/6/96)	MC	H.R. 3021	Debt Limit Increase	
H. Res. 380 (3/12/96)	C	H.R. 3019	Cont. Approps. FY 1996	
H. Res. 384 (3/14/96)	MC	H.R. 2703	Effective Death Penalty	
H. Res. 386 (3/20/96)	C	H.R. 2202	Immigration	
H. Res. 388 (3/21/96)	C	H.J. Res. 165	Further Cont. Approps	
H. Res. 391 (3/27/96)	C	H.R. 125	Gun Crime Enforcement	
H. Res. 392 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	
H. Res. 395 (3/29/96)	MC	H.R. 3103	Health Coverage Affordability	
H. Res. 396 (3/29/96)	O	H.J. Res. 159	Tax Limitation Const. Amdt.	
H. Res. 409 (4/23/96)	O	H.R. 842	Truth in Budgeting Act	
H. Res. 410 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	
H. Res. 411 (4/23/96)	C	H.R. 1675	Natl. Wildlife Refuge	
H. Res. 418 (4/30/96)	O	H.J. Res. 175	Further Cont. Approps. FY 1996	
H. Res. 419 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	
H. Res. 421 (5/2/96)	O	H.R. 2149	Ocean Shipping Reform	
H. Res. 422 (5/2/96)	O	H.R. 2974	Crimes Against Children & Elderly	
H. Res. 425 (5/7/96)	O	H.R. 3120	Witness & Jury Tampering	
H. Res. 427 (5/7/96)	O	H.R. 2406	U.S. Housing Act of 1996	
H. Res. 428 (5/7/96)	MC	H.R. 3322	Omnibus Civilian Science Auth	
H. Res. 430 (5/9/96)	S	H.R. 3286	Adoption Promotion & Stability	
H. Res. 435 (5/15/96)	MC	H.R. 3230	DoD Auth. FY 1997	
H. Res. 436 (5/16/96)	C	H. Con. Res. 178	Con. Res. on the Budget, 1997	
H. Res. 437 (5/16/96)	MO	H.R. 3415	Repeal 4.3 cent fuel tax	
H. Res. 438 (5/16/96)	MC	H.R. 3259	Intell. Auth. FY 1997	
		H.R. 3144	Defend America Act	

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

(As of June 12, 1996)

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 440 (5/21/96)	MC	H.R. 3448	Small Bus. Job Protection	A: 219-211 (5/22/96).
	MC	H.R. 1227	Employee Commuting Flexibility	
H. Res. 442 (5/29/96)	O	H.R. 3517	Mil. Const. Approps. FY 1997	A: voice vote (5/30/96).
H. Res. 445 (5/30/96)	O	H.R. 3540	For. Ops. Approps. FY 1997	A: voice vote (5/5/96).
H. Res. 446 (5/5/96)	MC	H.R. 3562	WI Works Waiver Approval	A: 363-59 (6/6/96).
H. Res. 448 (6/6/96)	MC	H.R. 2754	Shipbuilding Trade Agreement	A: voice vote (5/12/96).
H. Res. 450 (6/10/96)	O	H.R. 3603	Agriculture Appropriations, FY 1997	A: voice vote (5/11/96).
H. Res. (6/12/96)	O	H.R. 3610	Defense Appropriations, FY 1997	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; S/C-structured/closed rule; A-adoption vote; D-defeated; PO-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. YOUNG], the chairman of the subcommittee, who has done such a great job here to explain the necessity and the brevity of this bill.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding time.

Mr. Speaker, I want to point out this is an open rule, and we ought to be able to expedite the consideration of the rule and even adopt it by a voice vote, I would hope. We are already an hour past the time we expected to be starting this bill. I know that Members have plans for tomorrow that do not involve being here in the Chamber, so our plan is to finish this bill tonight. The sooner we can expedite it, the sooner Members can get about their other plans, and I know at the White House, the President is having a significant function there tonight that some Members who have been invited would like to get to. Hopefully, we can expedite the rule, move on to the bill and get into the substance of the bill without any delay.

Mr. SALMON. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this rule and of this bill. Maintaining a strong defense of our Nation is one of the paramount responsibilities of Congress, and I am pleased that this bill meets that responsibility head on.

As reported, H.R. 3610 provides appropriations of \$245.8 billion for the functions of the Department of Defense in fiscal year 1997 which is \$11.1 billion above the administration's request. While some may disagree with the funding levels and priorities established by this bill, the simple fact is that in end, these priorities will protect the best interests of the United States. These priorities will keep us strong and deserve our support.

Mr. Speaker, the rule will allow any Member to offer amendments to cut funding levels in the bill and thus ensures that we will have a full and fair debate on the defense programs funded here. In addition, the manager's amendment made in order in the rule will cut an additional \$800 million from the reported bill to bring it in line with the conference agreement on the budget for fiscal year 1997. I commend Chairman YOUNG and his ranking member, Mr. MURTHA, for their willingness

to adjust this bill to meet the requirements of the budget resolution.

I would also like to commend the Appropriations Committee for not including in the bill the social issues that generated such controversy in the fiscal year 1996 appropriation. Mr. Speaker, the purpose of this appropriation is to fund programs of the Department of Defense that relate to our military preparedness. Passage of this appropriation for those important programs should not be slowed by adding to them social issues that are of importance to a certain extreme element of the Republican Party. I am gratified that this year my Republican colleagues have seen the wisdom of adhering to the rules of the House and have kept those controversial issues out of the appropriations bill.

Mr. Speaker, H.R. 3610 is a forward looking appropriation. This bill accelerates the acquisition of several important weapons systems, accelerates the research and development programs relating to the next generation of several others, and funds quality-of-life programs that insure that we will be able to recruit and keep the young men and women who serve as our soldiers, airmen, sailors, and marines. I am particularly gratified that the committee has provided advance funding for the acquisition of additional C-17's and V-22's. The accelerated acquisition of these two aircraft systems will save the U.S. Treasury nearly \$9 billion. Saving \$9 billion while ensuring for our Nation's defense is no mean feat and I congratulate the Defense Subcommittee for making these recommendations to the full House.

Mr. Speaker, this is a good bill and I urge my colleagues to support H.R. 3610 and the rule providing for its consideration.

□ 1400

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this open rule as well as the underlying bill, the Defense Appropriations Act for fiscal 1997. It would be shortsighted and reckless to underestimate the national security dangers that face the United States.

Yes, the Soviet Union collapsed, but Russia remains engaged in serious in-

ternal debates that will decide its future course of behavior in the world community. China, as the gentleman from New York [Mr. SOLOMON] recently stated, is acquiring wealth at an extraordinary rate. Some project that it may even surpass the United States in gross domestic product in the next century, and with wealth inevitably comes vast military power.

If we take specific examples, for example, Mr. Speaker, North Korea, though the Clinton administration is providing massive amounts of oil and technical assistance to North Korea, that regime remains an enemy of the United States. The regime in Iran is a deadly enemy of the United States as well, with enormous oil reserves. And there remain many other enemies of this great Nation throughout the world.

Many would love to see the United States on its knees, our youth destroyed by drugs, our economy shattered by debt. Here in this hemisphere the regime in Havana is one such enemy of the American people. In 1982, four senior aides to the Cuban dictator were indicted, Mr. Speaker, for drug smuggling in the United States.

The U.S. attorney in the Southern District of Florida has ready another indictment, this time of 15 high-ranking officials in the Castro government, including Castro's brother, Raul, for trafficking cocaine into the United States. For unexplained and unsatisfactory reasons the administration has refused to authorize the issuance of that indictment.

We, in Congress, passed a tough sanctions law 3 months ago against the Cuban regime. Some of our trading partners, irresponsibly, have criticized us for doing so. Last week the Organization of American States came out against our sanction against Castro. It is very interesting that at that time the brother of the Secretary General of the OAS, Mr. Gaviria, was being held captive by Communist terrorists in Colombia.

Mr. Gaviria was very happy last week after the OAS criticized our sanction of Castro, known as the Helms-Burton law. Mr. Gaviria also asked Castro at that time to get his brother freed. Again, his brother, at that time, was being held by Communist terrorists in Colombia. Yesterday, the Communist terrorists freed Gaviria's brother and all the terrorists flew to Havana, where

they arrived, weapons and all, and were given sanctuary by Castro.

Mr. Speaker, Congress has the obligation to find out what the terms of the deal between Gaviria and the Castro government that got Castro to first request and then obtain the release of Gaviria's brother and to accept the kidnappers into Cuba. So I call upon this Congress, through our Subcommittee on the Western Hemisphere and its distinguished chairman, the gentleman from Indiana [Mr. BURTON], to summons the OAS Secretary General in order to ask him the following questions.

And if there is a jurisdictional problem with a summons, then demand, request, or ask, because we have a right to know, being the country that most pays for the OAS, to know the answers to the following questions.

In addition to looking into the terms of the deal between the OAS Secretary General and Castro to get Gaviria's brother freed, we need to know, first, what relation was there between the action of the OAS in Panama last week against the Helms-Burton law and the release of the Secretary General's brother at Castro's request this week?

Second, does Gaviria support the impunity and protection given to his brother's kidnappers by the Castro government; in other words, of the terrorists who were received and given sanctuary yesterday in Cuba?

Third, can Gaviria act impartially as the OAS Secretary General after having made a deal with his brother's kidnappers and with Castro for his brother's freedom?

We must investigate the relationship between Latin American governments who attack our Helms-Burton law and guerrillas and kidnapers controlled by Castro who blackmail those governments. They key question is, in fact, who is the leader in this hemisphere? Who is the boss, Castro and his guerrillas? Can Castro also kidnap in the United States? Is that next, Mr. Speaker? If so, will the United States also acknowledge his authority over all the hemisphere's terrorists?

America has plenty of enemies, Mr. Speaker, and this hemisphere is obviously suffering a crisis of leadership. In Congress, we can, at least, provide the means for the protection of the American people from all possible threats to their security.

Furthermore, Mr. Speaker, military strength and the ability to project military power are closely connected to economic influence and, consequently, to the opportunity for solid economic development and its accompanying jobs and protection of a strong middle class.

For many reasons and, for the most important reason of all, because security is Government's main responsibility, we need a strong national defense and this bill is a necessary ingredient

in a strong posture for the United States of America.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I do not think I will take the full 5 minutes, but I did want to take some time to suggest that this bill today has two fundamental problems:

First of all, it is, in my view, reflective of a view that somehow the United States is under serious duress and, in fact, is falling behind potential military competitors.

The fact is, it is not. The fact is that right now we spend two-and-a-half times as much as all of our military adversaries combined and this bill will add to that lead, not subtract from it.

Second, I would like to point out that a little known fact about the defense budget is that while both parties are talking about proceeding to balance the budget in 7 years, the fact is that by the seventh year the defense budget, reflected by the budget resolution that passed yesterday, the majority party's defense budget, is in fact lower than the budget provided by the President. Yet, at the same time that these outyear numbers are substantially lower than the President's, for the first 2 or 3 years this committee is insisting on adding billions of dollars above the President's request.

That makes absolutely no sense. It means that we will be continuing to avoid the tough choices that are needed on the kind of weapons that are going to be bought, and as long as we avoid those tough decisions, it means that we will be buying more than we can afford just a few years down the line.

That will mean that if the Congress, in fact, sticks to its outyear budget ceilings it will be forced to either cancel programs or make substantial reductions in operation and maintenance and other key items at a later point in the cycle, precisely at the time when we ought to be not doing that.

That is why Secretary of Defense Perry has described what is happening as a catastrophe, and that is why it is important to understand that this is not just an argument between the traditional doves and hawks, it is not just an argument about whether this budget ought to spend more money or less money. It is an argument about whether or not it makes sense to grossly inflate the military budget today when we know that we will have to produce substantial reductions in the outyears to meet the targets under the budget resolution.

I submit to my colleagues that we are fooling ourselves and the American people when we pass legislation such as this, and I do not think we should do it. I will, during the course of the debate,

be offering a number of amendments to try to bring it in line, but I think it is important, before we begin the debate on the amendment process, to understand the context in which those amendments are offered.

As I have said, the context is that, very clearly, this bill is jamming far too much money into the bill the first 2 or 3 years of this so-called 7-year budget cycle. It will require all kinds of reductions 3 and 4 years down the line. We could make our job a whole lot easier in the future if we would make the choices today that, unfortunately, this committee has refused to make.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1 minute to my distinguished friend, the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, this is not a controversial rule, it is a good open rule, but I may not be available to talk during the appropriations bill discussion itself, so I wanted to make a few points.

I am extended for 2 years on the Permanent Select Committee on Intelligence. It is my eighth year. And there will not be a single Republican member of the Permanent Select Committee on Intelligence who will argue with the figures provided for our defense and national security structure in this bill or, for that matter, in the authorization bill, which is a bit higher.

I do not believe any Democrat who serves on the Permanent Select Committee on Intelligence, who has a reputation of working consistently and hard on defense, will either find any question that the funding levels here are exaggerated.

We may be the sole standing surviving superpower, but when there is as much nuclear weaponry around the world as still exists, that do not have the checks and balances that we have in our governmental system, then we do still live in a severely dangerous world. And I would ask everybody to reject all the amendments coming up that cut our defense budget.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding me this time, and I must say I am pleased that this is an open rule.

As one who has sat on the defense authorization committee for now 24 years, when that bill came to the floor we had a closed rule and we were not allowed to offer one substantive cutting amendment. Not one. I find that outrageous. So at least so far today, unless we do something else, it appears we are going to get to have some debate about what is the right level.

The gentleman from Wisconsin just pointed out that this bill equals two-and-a-half times what all of our adversaries together are spending, so one would think that we ought to be able to make a few cuts in here.

I have an amendment that several other distinguished Members are co-sponsoring with me that would bring the level of this bill down to the bipartisan Coalition budget number. That number is what the administration asked for plus 3 percent for the pay raise.

I think that makes a tremendous amount of sense. I would save \$7 billion and, if it were adopted, it would almost make the budget that we adopted last night, without my vote because the deficit is higher than it is this year, but it would almost bring that deficit down to the level of this year.

So I would hope Members who voted for the Coalition budget, as I did, on both sides of the aisle, would listen to this. I think it makes a lot of sense and it is really where we should go.

I must say the reason I am speaking on the rule is I hear some rumblings that there may be some steamrollers starting up outside to try and limit the time overall. So those of us who have limiting amendments at the end of the bill may never be able to present them or have to present them just boom, boom, boom, without being able to explain them.

□ 1415

I hope that does not happen.

Mr. YOUNG of Florida. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I would like to assure the gentlewoman we have no intention of denying anyone the opportunity to speak to the extent that they must. So, the gentlewoman might be assured of that.

Mrs. SCHROEDER. Mr. Speaker, reclaiming my time, I am happy to hear that. I assume that the gentleman means that we will not be having an overall limit so that those of us at the end will not be steamrolled out as people run for their airplanes.

Mr. YOUNG of Florida. Mr. Speaker, if the gentlewoman will continue to yield, I am not assuring her how we are accomplishing this, but I will assure her that we are not going to deny legitimate debate on this bill or the amendments.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Florida because I think these are very critical issues. This is the largest spending bill, as the gentleman knows, that we are probably going to be dealing with that is discretionary spending. And because we did not get to deal with it at all on the authorization side, I think it makes it all the more important that we be allowed to carry it on here.

If we do not get it finished now, let us carry it over to next week or let us do something. But I think this stampede out of here would be unfair.

So, Mr. Speaker, I thank the gentleman from Florida very much for his agreement.

Mr. DIAZ-BALART. Mr. Speaker, we have no further speakers on this side of the aisle. There is great consensus on our side of the aisle in favor of the rule and the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I would like to reiterate some of the points made by the gentlewoman from Colorado. There is a concern that a number of amendments that might come toward the ends of consideration as we adopt a 3- or 4-hour limit will get short shift if we spend a predominant amount of time on amendments that do not have much significance to some Members.

The point is, we adopted a bill authorizing over \$240 billion of expenditures for the Pentagon with not one single cutting amendment allowed. In fact, the gentlewoman from Oregon, I recall, wanted to offer an amendment, I think, to cut \$1, and that was not allowed, which is to say that we are assured that this agency, this one agency of the Government is so unique. The largest agency of the Government with the largest budget that there is, not a single dollar of waste; that they could not benefit from any oversight from the Congress or any scrutiny of their programs or any active debate on some of the commitments that we are making that we will carry out for decades

to come and cost tens and thousands of billions of dollars.

Mr. Speaker, I do not believe that and I do not think Members on that side of the aisle believe that. There is \$15 billion that has gone missing, the accountants cannot find, over the last 10 years. If we had any other agency that could not account for an average of \$1.5 billion a year of expenditures without any sort of receipt, I believe we would have special investigators and special prosecutors and special hearings and special committees. But that is a fact. That has happened at the Pentagon.

Mr. Speaker, we must have a full, active, and open debate here about the largest single budget, the largest single employer in the Federal Government. And I would hope that we do not find constraints being adopted.

This House was scheduled to be in session today, it was scheduled to be in session tomorrow, it was scheduled to be in session on Monday. And now we are hearing we have to skate out here tonight so that the east coast Members can catch their planes. There is only one an hour. Those of us from the west coast, it is just about too late to get home tonight. Let us stay here as late as is necessary to have a full and open debate.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply point out that this is an open rule that we are bringing to the floor, and no limitations on debate nor on amendments.

Mr. Speaker, I continue to reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the beginning of this Congress, the Republican majority claimed that the House was going to consider bills under an open process. I would like to point out that 63 percent of the legislation this session has been considered under a restrictive process.

Mr. Speaker, I submit for the RECORD the following material:

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive	N/A
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive	N/A
H.R. 101	To transfer a parcel of land to the Taos Pueblo Indians of New Mexico.	H. Res. 51	Open	N/A
H.R. 400	To provide for the exchange of lands within Gates of the Arctic National Park Preserve.	H. Res. 52	Open	N/A
H.R. 440	To provide for the conveyance of lands to certain individuals in Butte County, California.	H. Res. 53	Open	N/A
H.R. 2*	Line Item Veto	H. Res. 55	Open	N/A
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open	N/A
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 63	Open	N/A
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive	N/A
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open	N/A
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive	N/A
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive	N/A
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive	N/A
S. 2	Senate Compliance	N/A	Closed	None.

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed	H. Res. 88	Restrictive	10.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive	N/A
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive	N/A
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive	N/A
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive	8D, 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive	N/A
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive	1D, 3R.
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive	5D, 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open	N/A
H.R. 961	Clean Water Act	H. Res. 140	Open	N/A
H.R. 535	Coming National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa	H. Res. 145	Open	N/A
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility	H. Res. 146	Open	N/A
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive	3D, 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive	N/A
H.R. 1530	National Defense Authorization Act, FY 1996	H. Res. 164	Restrictive	36R, 18D, 2 Bipartisan.
H.R. 1817	Military Construction Appropriations, FY 1996	H. Res. 167	Open	N/A
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive	5R, 4D, 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open	N/A
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open	N/A
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag	H. Res. 173	Closed	N/A
H.R. 1944	Rescissions Bill	H. Res. 175	Restrictive	N/A
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive	N/A
H.R. 1977 "Rule Defeated"	Interior Appropriations	H. Res. 185	Open	N/A
H.R. 1977	Interior Appropriations	H. Res. 187	Open	N/A
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open	N/A
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive	N/A
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open	N/A
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive	N/A
H.R. 2002	Transportation Appropriations	H. Res. 194	Open	N/A
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open	N/A
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open	N/A
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open	N/A
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive	1D.
H.R. 2126	Defense Appropriations	H. Res. 205	Open	N/A
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive	2R/3D/3 Bipartisan.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open	N/A
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open	N/A
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive	N/A
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open	N/A
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open	N/A
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS)	H. Res. 222	Open	N/A
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open	N/A
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive	2R/2D.
H.R. 743	The Teamwork for Employees and Managers Act of 1995	H. Res. 226	Open	N/A
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open	N/A
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open	N/A
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed	N/A
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open	N/A
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive	1D.
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive	1D.
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive	N/A
H.R. 2491	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform	H. Res. 245	Restrictive	1D.
H. Con. Res. 109	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A
H.R. 1833	D.C. Appropriations FY 1996	H. Res. 252	Restrictive	N/A
H.R. 2546	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed	N/A
H.J. Res. 115	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive	5R.
H.R. 2586	ICC Termination	H. Res. 259	Open	N/A
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed	N/A
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed	N/A
H. Res. 250	House Gift Rule Reform	H. Res. 268	Closed	2R.
H.R. 2564	Lobbying Disclosure Act of 1995	H. Res. 269	Open	N/A
H.R. 2606	Prohibition on Funds for Bosnia Deployment	H. Res. 273	Restrictive	N/A
H.R. 1788	Amtrak Reform and Privatization Act of 1995	H. Res. 289	Open	N/A
H.R. 1350	Maritime Security Act of 1995	H. Res. 287	Open	N/A
H.R. 2621	To Protect Federal Trust Funds	H. Res. 293	Closed	N/A
H.R. 1745	Utah Public Lands Management Act of 1995	H. Res. 303	Open	N/A
H. Res. 304	Providing for Debate and Consideration of Three Measures Relating to U.S. Troop Deployments in Bosnia	N/A	Closed	1D, 2R.
H. Res. 309	Revised Budget Resolution	H. Res. 309	Closed	N/A
H.R. 558	Texas Low-Level Radioactive Waste Disposal Compact Consent Act	H. Res. 313	Open	N/A
H.R. 2677	The National Parks and National Wildlife Refuge Systems Freedom Act of 1995	H. Res. 323	Closed	N/A
PROCEDURE IN THE 104TH CONGRESS 2D SESSION				
H.R. 1643	To authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria	H. Res. 334	Closed	N/A
H.J. Res. 134	Making continuing appropriations/establishing procedures making the transmission of the continuing resolution H.J. Res. 134	H. Res. 336	Closed	N/A
H. Con. Res. 131	Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts	H. Res. 338	Closed	N/A
H.R. 2924	Social Security Guarantee Act	H. Res. 355	Closed	N/A
H.R. 2854	The Agricultural Market Transition Program	H. Res. 366	Restrictive	5D, 9R, 2 Bipartisan.
H.R. 994	Regulatory Sunset & Review Act of 1995	H. Res. 368	Open rule; Rule tabled	N/A
H.R. 3021	To Guarantee the Continuing Full Investment of Social Security and Other Federal Funds in Obligations of the United States	H. Res. 371	Closed rule	N/A
H.R. 3019	A Further Downpayment Toward a Balanced Budget	H. Res. 372	Restrictive	2D/2R.

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 2703	The Effective Death Penalty and Public Safety Act of 1996	H. Res. 380	Restrictive	6D; 7R; 4 Bipartisan.
H.R. 2202	The Immigration and National Interest Act of 1995	H. Res. 384	Restrictive	12D; 19R; 1 Bipartisan.
H.J. Res. 165	Making further continuing appropriations for FY 1996	H. Res. 386	Closed	N/A
H.R. 125	The Gun Crime Enforcement and Second Amendment Restoration Act of 1996	H. Res. 388	Closed	N/A
H.R. 3136	The Contract With America Advancement Act of 1996	H. Res. 391	Closed	N/A
H.R. 3103	The Health Coverage Availability and Affordability Act of 1996	H. Res. 392	Restrictive	N/A
H.J. Res. 159	Tax Limitation Constitutional Amendment	H. Res. 395	Restrictive	1D
H.R. 842	Truth in Budgeting Act	H. Res. 396	Open	N/A
H.R. 2715	Paperwork Elimination Act of 1996	H. Res. 409	Open	N/A
H.R. 1675	National Wildlife Refuge Improvement Act of 1995	H. Res. 410	Open	N/A
H.J. Res. 175	Further Continuing Appropriations for FY 1996	H. Res. 411	Closed	N/A
H.R. 2641	United States Marshals Service Improvement Act of 1996	H. Res. 418	Open	N/A
H.R. 2149	The Ocean Shipping Reform Act	H. Res. 419	Open	N/A
H.R. 2974	To amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims.	H. Res. 421	Open	N/A
H.R. 3120	To amend Title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering.	H. Res. 422	Open	N/A
H.R. 2406	The United States Housing Act of 1996	H. Res. 426	Open	N/A
H.R. 3322	Omnibus Civilian Science Authorization Act of 1996	H. Res. 427	Open	N/A
H.R. 3286	The Adoption Promotion and Stability Act of 1996	H. Res. 428	Restrictive	1D; 1R.
H.R. 3230	Defense Authorization Bill FY 1997	H. Res. 430	Restrictive	41 amendments; 20D; 17R; 4 bipartisan
H.R. 3415	Repeal of the 4.3-Cent Increase in Transportation Fuel Taxes	H. Res. 436	Closed	N/A
H.R. 3259	Intelligence Authorization Act for FY 1997	H. Res. 437	Restrictive	N/A
H.R. 3144	The Defend America Act	H. Res. 438	Restrictive	1D.
H.R. 3448/H.R. 1227	The Small Business Job Protection Act of 1996, and The Employee Commuting Flexibility Act of 1996.	H. Res. 440	Restrictive	2R.
H.R. 3517	Military Construction Appropriations FY 1997	H. Res. 442	Open	N/A
H.R. 3540	Foreign Operations Appropriations FY 1997	H. Res. 445	Open	N/A
H.R. 3562	The Wisconsin Works Waiver Approval Act	H. Res. 446	Restrictive	N/A
H.R. 2754	Shipbuilding Trade Agreement Act	H. Res. 448	Restrictive	1R.
H.R. 3603	Agriculture Appropriations FY 1997	H. Res. 451	Open	N/A
H.R. 3610	Defense Appropriations FY 1997	H. Res. 453	Open	N/A

*Contract Bills, 67% restrictive; 33% open. **All legislation 1st Session, 53% restrictive; 47% open. ***All legislation 2d Session, 63% restrictive; 37% open. ****All legislation 104th Congress, 57% restrictive; 43% open. *****NR indicates that the legislation being considered by the House for amendment has circumvented standard procedure and was never reported from any House committee. ****PQ indicates that previous question was ordered on the resolution. ***** Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103d Congress. N/A means not available.

Mr. FROST. Mr. Speaker, I urge adoption of the rule, and I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I reiterate our strong commitment on this side of the aisle to a strong defense, and reiterate the fact that this is an open rule not closing debate in any way nor prohibiting amendments in any way.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3610, making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes, and that I may be permitted to include tabular and extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman for Florida?

There was no objection.

DEPARTMENT OF DEFENSE
APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 453 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3610.

□ 1420

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3610) making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes, with Mr. CAMP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. YOUNG] and the gentleman from Pennsylvania [Mr. MURTHA] each will control 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am very happy to present to the House what I think is an excellent national defense appropriations bill. There will be those who disagree with that statement, but I have to say this, that this bill was created by Members of both parties in a bipartisan fashion and the bill that we bring

to the floor is agreed to by the vast majority of the subcommittee and the full Committee on Appropriations.

We did this because of the tremendous cooperation that the Members showed toward each other in dealing with the issues. And those issues were decided based on the merit, based on whether or not they contributed something to our national security, and based on whether or not there actually was a requirement for what we included in the bill.

There was no question about who did it help politically or where did it create jobs or not create jobs. The decisions were based on what is good to provide for the security of this Nation, and our interests, wherever they might be.

And not only the Members who are outstanding members of this committee on both sides, I wanted to take just a minute and call attention to those who serve us at the staff level, those staffers who work here hours and hours late at night after we have done our work and gone home.

And I want to point out Kevin Roper, for whom this Congress is his first time as the chief clerk of this subcommittee and has done such an outstanding job. His brain is like a computer. He is able to call up information without any hesitation when he is called upon to do that.

John Plashal, Dave Kilian, Alicia Jones, Juliet Pacquing, Greg Walters, Trish Keenan, Doug Gregory, Paul Juola, Tina Jonas, Steve Nixon, Stacy Trimble; Paige Schreiner, who by the

way is on maternity leave, just having had a lovely new daughter; and Cynthia Hill, who was a detailee from Navy; and Mr. Greg Dahlberg, who works as a partner with Kevin Roper, who also is a tremendous asset to the work of this subcommittee; and Carmen Scialabba, who is in Mr. MURTHA's office.

These ladies and gentlemen have all made tremendous contributions to helping this subcommittee do its work with the thousands and thousands of items and thousands and thousands of decisions that we have made during our markup.

Mr. Chairman, I wanted to say this: This bill that we present, we started with the President's budget request. There are those who say that, "Well, you are a Republican Congress. When the President's budget gets there, it is going to be dead on arrival." And we assured them all that is not the case.

We worked in cooperation with the administration. We began with the President's budget. We believed then, and we still believe, that it was short in a number of areas; so we made some

additions. But basically and budget requested by the President is provided for in this bill.

But I will call to the attention of the Members some of the adds that we included, but let me tell Members about the numbers. We began with a 602(b) allocation of \$246.6 billion and we marked to that amount, and we did the best we could to get the most for the money that we possibly could. At that, based on real growth, counting for inflation, is actually \$4 billion under last year's bill.

By the time we got to the full committee, we had to make another \$800 million reduction. So again we stood up to the plate, and we made that \$800 billion reduction based on what the leadership thought would be the budget split between the House number and the Senate number.

Well, now we come to the floor, and that number is not low enough, based on the budget resolution we passed yesterday. So we will have to offer an amendment today that will cut an additional \$500 million out of this bill, and that amendment has been prepared

with the cooperation and work of all of the members of the subcommittee. By the time we finish with that amendment, this bill will be down to \$245.3 billion. That is \$4.7 billion under last year if we adjust for inflation, which is the realistic thing to do, and it is \$1.6 billion under the authorized levels.

We have worked closely with the authorizers, with the chairman of the Committee on National Security and with the chairman of the Permanent Select Committee on Intelligence, to fashion this bill. We have worked in lock step. We cannot provide everything that they authorize because we do not have that much money available. But the bill we are going to vote on today is very close to the bill that Members have already voted in large numbers to support for the intelligence authorization bill and as well as the national security authorization bill. As we get into the amendments, we will then get into more debate about the bill.

Mr. Chairman, I submit the following tabular material for the RECORD:

FY 1997 DEPARTMENT OF DEFENSE APPROPRIATIONS BILL (H.R. 3610)

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I					
MILITARY PERSONNEL					
Military Personnel, Army.....	19,946,187,000	20,580,738,000	20,692,838,000	+746,651,000	+112,100,000
Military Personnel, Navy.....	17,008,563,000	16,942,956,000	17,000,856,000	-7,707,000	+57,900,000
Military Personnel, Marine Corps.....	5,885,740,000	6,102,108,000	6,103,808,000	+218,068,000	+1,700,000
Military Personnel, Air Force.....	17,207,743,000	17,043,150,000	17,099,550,000	-108,193,000	+56,400,000
Reserve Personnel, Army.....	2,122,466,000	2,043,679,000	2,083,379,000	-39,087,000	+39,700,000
Reserve Personnel, Navy.....	1,355,523,000	1,386,306,000	1,392,406,000	+36,883,000	+6,100,000
Reserve Personnel, Marine Corps.....	378,151,000	381,143,000	387,943,000	+9,792,000	+6,800,000
Reserve Personnel, Air Force.....	784,586,000	775,967,000	780,497,000	-4,089,000	+4,530,000
National Guard Personnel, Army.....	3,242,422,000	3,242,493,000	3,279,393,000	+36,971,000	+36,900,000
National Guard Personnel, Air Force.....	1,299,627,000	1,284,290,000	1,294,490,000	+34,863,000	+10,200,000
Total, title I, Military Personnel.....	69,191,008,000	69,782,830,000	70,115,160,000	+924,152,000	+332,330,000
TITLE II					
OPERATION AND MAINTENANCE					
Operation and Maintenance, Army.....	18,321,965,000	18,031,145,000	18,365,679,000	+43,714,000	+334,534,000
(By transfer - National Defense Stockpile).....	(50,000,000)	(83,334,000)	(50,000,000)		(-33,334,000)
Operation and Maintenance, Navy.....	21,279,425,000	20,112,864,000	20,390,397,000	-889,028,000	+277,533,000
(By transfer - National Defense Stockpile).....	(50,000,000)	(83,333,000)	(50,000,000)		(-33,333,000)
Operation and Maintenance, Marine Corps.....	2,392,522,000	2,203,777,000	2,485,077,000	+72,555,000	+261,300,000
Operation and Maintenance, Air Force.....	18,606,167,000	17,830,122,000	17,938,755,000	-667,412,000	+108,633,000
(By transfer - National Defense Stockpile).....	(50,000,000)	(83,333,000)	(50,000,000)		(-33,333,000)
Operation and Maintenance, Defense-Wide.....	10,388,595,000	10,156,468,000	10,212,985,000	-175,610,000	+56,517,000
(By transfer).....	(15,000,000)			(-15,000,000)	
Operation and Maintenance, Army Reserve.....	1,119,191,000	1,084,436,000	1,116,436,000	-2,755,000	+32,000,000
Operation and Maintenance, Navy Reserve.....	859,542,000	843,927,000	882,927,000	+23,385,000	+39,000,000
Operation and Maintenance, Marine Corps Reserve.....	100,283,000	99,867,000	108,467,000	+8,184,000	+8,800,000
Operation and Maintenance, Air Force Reserve.....	1,519,287,000	1,488,553,000	1,491,553,000	-27,734,000	+3,000,000
Operation and Maintenance, Army National Guard.....	2,440,808,000	2,208,477,000	2,268,477,000	-172,331,000	+60,000,000
Operation and Maintenance, Air National Guard.....	2,776,121,000	2,654,473,000	2,671,373,000	-104,748,000	+16,900,000
United States Court of Appeals for the Armed Forces.....	6,521,000	6,797,000	6,797,000	+276,000	
Environmental Restoration, Army.....		356,916,000			-356,916,000
Environmental Restoration, Navy.....		302,900,000			-302,900,000
Environmental Restoration, Air Force.....		414,700,000			-414,700,000
Environmental Restoration, Defense-Wide.....		258,500,000			-258,500,000
Environmental Restoration, Defense.....	1,422,200,000		1,333,016,000	-89,184,000	+1,333,016,000
Summer Olympics.....	15,000,000			-15,000,000	
Former Soviet Union threat reduction.....	300,000,000	327,900,000	302,900,000	+2,900,000	-25,000,000
Overseas Humanitarian, Disaster, and Civic Aid.....	50,000,000	80,544,000	60,544,000	+10,544,000	-20,000,000
(Transfer out).....	(-15,000,000)			(+15,000,000)	
Quality of Life Enhancements, Defense.....			975,000,000	+975,000,000	+975,000,000
Total, title II, Operation and maintenance.....	81,597,627,000	78,462,166,000	80,590,383,000	-1,007,244,000	+2,128,217,000
(By transfer).....	(150,000,000)	(250,000,000)	(150,000,000)		(-100,000,000)
TITLE III					
PROCUREMENT					
Aircraft Procurement, Army.....	1,558,805,000	970,815,000	1,308,709,000	-250,096,000	+337,894,000
Missile Procurement, Army.....	865,555,000	766,329,000	1,044,767,000	+179,212,000	+278,438,000
Procurement of Weapons and Tracked Combat Vehicles, Army.....	1,652,745,000	1,102,014,000	1,500,414,000	-152,331,000	+398,400,000
Procurement of Ammunition, Army.....	1,110,685,000	853,428,000	1,150,128,000	+39,443,000	+296,700,000
Other Procurement, Army.....	2,769,443,000	2,627,440,000	2,899,040,000	+129,597,000	+271,600,000
Aircraft Procurement, Navy.....	4,589,394,000	5,881,952,000	6,896,552,000	+2,307,158,000	+1,014,600,000
Weapons Procurement, Navy.....	1,669,827,000	1,400,363,000	1,364,408,000	-285,419,000	-15,955,000
Procurement of Ammunition, Navy and Marine Corps.....	430,053,000		341,689,000	-88,364,000	+341,689,000
Shipbuilding and Conversion, Navy.....	6,643,958,000	4,911,930,000	4,719,930,000	-1,924,028,000	-192,000,000
Other Procurement, Navy.....	2,483,581,000	2,714,195,000	2,889,591,000	+406,010,000	+175,396,000
Procurement, Marine Corps.....	458,947,000	555,507,000	623,973,000	+165,026,000	+68,466,000
Aircraft Procurement, Air Force.....	7,367,983,000	5,779,228,000	7,326,628,000	-41,355,000	+1,547,400,000
Missile Procurement, Air Force.....	2,943,931,000	2,733,877,000	2,279,500,000	-664,431,000	-454,377,000
Procurement of Ammunition, Air Force.....	338,800,000		272,177,000	-66,623,000	+272,177,000
Other Procurement, Air Force.....	6,284,230,000	5,998,819,000	6,078,539,000	-205,691,000	+79,720,000
Procurement, Defense-Wide.....	2,124,379,000	1,841,212,000	2,247,812,000	+123,433,000	+406,600,000
National Guard and Reserve Equipment.....	777,000,000		908,000,000	+131,000,000	+908,000,000
Total, title III, Procurement.....	44,069,316,000	38,137,109,000	43,871,857,000	-197,459,000	+5,734,748,000
TITLE IV					
RESEARCH, DEVELOPMENT, TEST AND EVALUATION					
Research, Development, Test and Evaluation, Army.....	4,870,684,000	4,320,640,000	4,874,537,000	+3,853,000	+553,897,000
(By transfer).....	(8,000,000)			(-8,000,000)	
Research, Development, Test and Evaluation, Navy.....	8,758,132,000	7,334,734,000	8,399,357,000	-358,775,000	+1,064,623,000
Research, Development, Test and Evaluation, Air Force.....	13,126,567,000	14,417,456,000	14,969,573,000	+1,843,006,000	+552,117,000
Research, Development, Test and Evaluation, Defense-Wide.....	9,461,057,000	8,398,836,000	9,068,558,000	-392,499,000	+669,722,000
Developmental Test and Evaluation, Defense.....	251,082,000	252,038,000	272,038,000	+20,956,000	+20,000,000
Operational Test and Evaluation, Defense.....	22,587,000	21,968,000	26,968,000	+4,381,000	+5,000,000
Total, title IV, Research, Development, Test and Evaluation.....	36,490,109,000	34,745,672,000	37,611,031,000	+1,120,922,000	+2,865,359,000

FY 1997 DEPARTMENT OF DEFENSE APPROPRIATIONS BILL (H.R. 3610)

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE V					
REVOLVING AND MANAGEMENT FUNDS					
Defense business operations fund.....	878,700,000	947,900,000	947,900,000	+69,200,000	.....
National Defense Sealift Fund:					
Ready Reserve Force.....	289,000,000	261,000,000	261,000,000	-28,000,000	.....
Acquisition.....	735,220,000	702,002,000	1,643,002,000	+907,782,000	+941,000,000
Total.....	1,024,220,000	963,002,000	1,904,002,000	+879,782,000	+941,000,000
Total, title V, Revolving and Management Funds.....	1,902,920,000	1,910,902,000	2,851,902,000	+948,982,000	+941,000,000
TITLE VI					
OTHER DEPARTMENT OF DEFENSE PROGRAMS					
Defense health program:					
Operation and maintenance.....	9,938,325,000	9,358,288,000	9,398,188,000	-540,137,000	+39,900,000
(Transfer out).....	(8,000,000)	.....	.....	(+8,000,000)	.....
Procurement.....	288,033,000	269,470,000	269,470,000	-18,563,000	.....
Total, Defense Health Program.....	10,226,358,000	9,627,758,000	9,667,658,000	-558,700,000	+39,900,000
Chemical Agents and Munitions Destruction, Defense: 1/					
Operation and maintenance.....	353,850,000	477,947,000	477,947,000	+124,097,000	.....
Procurement.....	265,000,000	273,600,000	273,600,000	+8,600,000	.....
Research, development, test, and evaluation.....	53,400,000	48,300,000	48,300,000	-5,100,000	.....
Total, Chemical Agents.....	672,250,000	799,847,000	799,847,000	+127,597,000	.....
Drug Interdiction Defense.....	688,432,000	642,724,000	774,724,000	+86,292,000	+132,000,000
Office of the Inspector General.....	178,226,000	138,501,000	138,501,000	-39,725,000	.....
Total, title VI, Other Department of Defense Programs.....	11,765,266,000	11,208,830,000	11,380,730,000	-384,536,000	+171,900,000
TITLE VII					
RELATED AGENCIES					
Central Intelligence Agency Retirement and Disability System Fund	213,900,000	196,400,000	196,400,000	-17,500,000	.....
Intelligence Community Management Account.....	90,683,000	91,739,000	149,555,000	+58,872,000	+57,816,000
National Security Education Trust Fund.....	7,500,000	5,100,000	.....	-7,500,000	-5,100,000
Payment to Kaho'olawe Island conveyance remediation and Environmental Restoration Fund.....	25,000,000	10,000,000	10,000,000	-15,000,000	.....
Total, title VII, Related agencies.....	337,083,000	303,239,000	355,955,000	+18,872,000	+52,716,000
TITLE VIII					
GENERAL PROVISIONS					
Additional transfer authority (sec. 8005).....	(3,100,000,000)	(2,000,000,000)	(2,000,000,000)	(-1,100,000,000)	.....
Contractor ADP.....	-30,000,000	.....	.....	+30,000,000	.....
Rescissions.....	-561,217,000	.....	.....	+561,217,000	.....
Inflation Reestimate.....	-832,000,000	.....	.....	+832,000,000	.....
Management efficiencies.....	-442,000,000	.....	.....	+442,000,000	.....
FFRDCs labs.....	-90,000,000	.....	.....	+90,000,000	.....
Overseas Military Fac Investment Recovery (sec. 8045).....	.....	1,000,000	1,000,000	+1,000,000	.....
National Science Center, Army (sec. 8055).....	85,000	120,000	120,000	+35,000	.....
Disposal & lease of DOD real property (sec. 8042).....	8,000,000	26,565,000	26,565,000	+18,565,000	.....
Air Force DBOF pass through (sec. 8082).....	.....	.....	-195,000,000	-195,000,000	-195,000,000
Spare parts inventories (sec. 8069).....	.....	.....	-350,000,000	-350,000,000	-350,000,000
Excess funded carryover (sec. 8076).....	.....	.....	-500,000,000	-500,000,000	-500,000,000
Total, title VIII.....	-1,947,132,000	27,685,000	-1,017,315,000	+929,817,000	-1,045,000,000
GRAND BILL TOTAL.....	243,406,197,000	234,578,433,000	245,759,703,000	+2,353,506,000	+11,181,270,000
Total, Department of Defense:					
Bill total.....	243,406,197,000	234,578,433,000	245,759,703,000	+2,353,506,000	+11,181,270,000
Scorekeeping adjustments.....	-1,338,900,000	100,000,000	.....	+1,338,900,000	-100,000,000
Grand total.....	242,067,297,000	234,678,433,000	245,759,703,000	+3,692,406,000	+11,081,270,000

NOTE: Grand total does not include \$820 million in emergency appropriations enacted in PL 104-134. The FY 1996 grand total including these appropriations is \$242,887,297,000.

1/ Included in Budget under Procurement title.

FY 1997 DEPARTMENT OF DEFENSE APPROPRIATIONS BILL (H.R. 3610)

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
RECAPITULATION					
Title I - Military Personnel.....	69,191,008,000	69,782,830,000	70,115,160,000	+924,152,000	+332,330,000
Title II - Operation and Maintenance	81,597,627,000	78,462,166,000	80,590,383,000	-1,007,244,000	+2,128,217,000
Title III - Procurement.....	44,069,316,000	38,137,109,000	43,871,857,000	-197,459,000	+5,734,748,000
Title IV - Research, Development, Test and Evaluation.....	36,490,109,000	34,745,672,000	37,611,031,000	+1,120,922,000	+2,865,359,000
Title V - Revolving and Management Funds	1,902,920,000	1,910,902,000	2,851,902,000	+948,982,000	+941,000,000
Title VI - Other Department of Defense Programs	11,765,266,000	11,208,830,000	11,380,730,000	-384,536,000	+171,900,000
Title VII - Related agencies	337,083,000	303,239,000	355,955,000	+18,872,000	+52,716,000
Title VIII - General provisions	-1,947,132,000	27,685,000	-1,017,315,000	+929,817,000	-1,045,000,000
(Additional transfer authority)	(3,100,000,000)	(2,000,000,000)	(2,000,000,000)	(-1,100,000,000)	.....
Total, Department of Defense.....	243,406,197,000	234,578,433,000	245,759,703,000	+2,353,506,000	+11,181,270,000
Scorekeeping adjustments	-1,338,900,000	100,000,000	.....	+1,338,900,000	-100,000,000
Grand total	242,067,297,000	234,678,433,000	245,759,703,000	+3,692,406,000	+11,081,270,000

NOTE: Grand total does not include \$820 million in emergency appropriations enacted in PL 104-134. The FY 1996 grand total including these appropriations is \$242,887,297,000.

Mr. YOUNG of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. MURTHA. Mr. Chairman, I yield back the balance of my time.

Mr. POMEROY. Mr. Chairman, I rise in support of the fiscal year 1997 Department of Defense appropriations bill.

The bill before contains many valuable provisions that will enhance the readiness of our Armed Forces and improve the quality of life for the men and women who serve in our Nation's military. The 3 percent pay raise for military personnel, the additional funding for medical care for active duty members and military retirees, and the resources dedicated to repair and upgrade substandard military barracks are three important provisions that will strengthen troop morale and in turn improve the combat readiness of our military.

I also take this opportunity to highlight two items in this bill that are critically important to the Nation's defense and to my State of North Dakota. First, this bill fully funds the Minuteman III life extension/modernization program to preserve the viability and reliability of our ICBM force well into the next century as recommended by the Nuclear Posture Review. Second, the legislation maintains the number of fighters assigned to the Nation's general purpose Air National Guard fighter units at 15 Primary Assigned Aircraft. Given the increasing reliance on the National Guard to defend our national interest, it makes good sense to maintain current fighter force levels.

Mr. Chairman, I am disappointed that this bill does not include a provision similar to Section 1302 of the fiscal year 1997 Defense Authorization bill to strictly prohibit the retirement of B-52 bombers. The B-52 remains our Nation's most combat capable bomber and should not be prematurely retired as proposed by the administration. While I understand that the Appropriation bill provision may suffice in blocking the retirement of B-52s, I am hopeful and confident that the final Defense Appropriations will include a similar provision.

Finally, Mr. Chairman, I do have concern regarding the \$10.2 billion increase this bill provides over and above the Pentagon's request. I voted in favor of both the Schroeder and the Shays amendments to reduce bill's funding and make it more consistent with our effort to balance the Federal budget. Although I am disappointed that these amendments failed, I will support passage of the bill because, in the final analysis, it fulfills an important commitment to our troops and the Nation's defense. I urge my colleagues to support this legislation.

Mr. McCOLLUM. Mr. Chairman, I rise in support of H.R. 3610, the National Security Appropriations bill, and to thank my friend and colleague from the great State of Florida, Chairman BILL YOUNG, for all his good work on this bill that is so important to U.S. interests at home and abroad.

Defense spending, adjusted for inflation, has been cut each and every year since 1985. Despite this decline, the President's budget called for a \$10 billion cut in fiscal year 1997. During testimony before the House Committee on National Security, all of the Joint Chiefs have suggested the President's budget was not adequate to address the needs of our national defense.

Mr. Chairman, H.R. 3610 provides the funds needed to ensure that we have the best equipped troops in the world prepared to defend our Nation. Chairman YOUNG has made great strides at increasing military readiness by increasing the quality of life for our troops. The world remains a dangerous place at the same time the U.S. force structure has hit its lowest level in 50 years. The frequent deployment of our troops has created many problems for our soldiers and their families. To address this situation, this bill provides a needed 3 percent pay raise for the brave men and women who have volunteered to defend our Nation.

Another important issue addressed in this bill is the need to maintain adequate health care for our soldiers. By adding \$475 million to the President's request for defense health care, we are insuring that our troops will be ready for whatever mission might surface. If this House had not supported a higher level of health care funding, the services would have had to make deep reductions in the medical care we promised our service members.

This bill also adds \$400 million for the repair and upgrade of military barracks. Two-thirds of this housing is currently rated by the DOD as substandard. This is an important component of maintaining a high level of readiness for our Armed Forces. Our sailors and soldiers make many personal sacrifices to provide for our Nation's defense. We owe it to them to provide a decent place for these men and women and their families to live.

H.R. 3610 also addresses the concerns of the Joint Chiefs by adding necessary funds for the weapons procurement needs identified by our field commanders. The Joint Chiefs and the Chairman know that funding for weapons procurement has declined by nearly 75 percent in real terms over the past 11 years. With a smaller force structure, our troops will have an even greater need for the most modern and capable weapons available. This bill ensures that our troops will be equipped with these weapons.

I will gladly support this bill and urge my colleagues to do the same. Again, thank you, Mr. Chairman, for your hard work on this bill that balances the need for a fiscally sound defense program with the needs our men and women who serve our great Nation. Your work is truly appreciated.

Mr. MONTGOMERY. Mr. Chairman, I rise in support of H.R. 3610, and particularly want to commend the Committee for including funds for cooperative DOD/VA medical research. In providing \$25 million in funding for this important activity, the Committee is helping foster valuable research that serves not only our active duty personnel, but veterans as well.

These moneys will help fund research into such areas as combat casualty care, Persian Gulf veterans' illnesses, and post-traumatic stress disorder.

Members may not be fully aware of the kind of bang Congress and the Nation have gotten from putting bucks into VA research. By way of example, the contributions VA research program has given us over the years include such developments as:

Surgical transplanting of kidneys using drugs to suppress organ rejection; an artificial foot that allows amputees to jog and play

sports; drugs for the treatment of diseases including tuberculosis; and a taking computer for the blind.

The military and this Nation will benefit by providing funds that encourage cooperative VA and DOD research efforts.

Mr. YOUNG of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in House Report 104-619 if offered by the gentleman from Florida [Mr. YOUNG] or his designee. That amendment shall be considered read, may amend portions of the bill not yet read for amendment, shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

If that amendment is adopted, the bill, as amended, shall be considered as an original bill for the purpose of further amendment.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

After the reading of the final lines of the bill, a motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall, if offered by the majority leader or a designee, have precedence over a motion to amend.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. YOUNG of Florida: On page 17, line 9, strike "\$1,044,767,000" and insert "\$988,567,000".

On page 17, line 10, strike all after "1999" through the end of line 12, except the period.

On page 22, line 6, strike "\$4,719,930,000" and insert "\$4,469,930,000".

On page 24, line 17, strike "\$7,326,628,000" and insert "\$7,274,628,000".

On page 24, line 19, strike "\$54,700,000" and insert "\$2,700,000".

On page 29, line 10, strike "\$14,969,573,000" and insert "\$14,869,573,000".

On page 29, line 15, strike "\$1,698,486,000" and insert "\$1,598,486,000".

On page 82, line 6, strike "\$350,000,000" and insert "\$400,000,000".

On page 82, line 11, strike "\$226,400,000" and insert "\$276,400,000".

The CHAIRMAN. Pursuant to the rule, the gentleman from Florida [Mr. YOUNG] and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I explained during general debate, in order to conform this bill to the budget resolution that was adopted yesterday in the House, it was necessary to cut another \$500 million, actually \$508 million, over a half billion, from this bill, and that is the purpose of the amendment that I just offered, and I will submit a statement that will explain in detail how we had to arrive at this point. But I wanted to point out for the RECORD so that it would be clear exactly what it is that we are doing so that no one has any questions.

We have reduced the MLRS launcher line by \$56.2 million. That leaves an increase over the budget of \$10 million. We eliminate, basically eliminate the TAGS ship. We leave \$4 million in that account but we take \$50 million. The third *Seawolf*, we reduce by \$100 million. That still leaves \$599 million in the budget. The new attack submarine program line, we have reduced by \$100 million; that still leaves \$704 million in that account.

□ 1430

The C-130, the airborne command and control version of that aircraft, we would eliminate one that we had added. That is \$52 million. And then we have a classified item that we are not able to discuss on the floor but those Members cleared for the information are aware of it. That is another \$100 million cut. That comes to \$508 million. I would hope that we could expedite the consideration of this amendment. It is necessary to conform this bill to the budget request or to the budget resolution as passed.

Mr. Chairman, pursuant to the rule, I send to the desk an amendment made in order by the rule.

Mr. Chairman, as I explained during general debate, in order to conform this bill to the conference agreement on the budget resolution, it is necessary to cut the funds in this bill by an additional \$500 million.

That is the purpose of the amendment I just offered—to bring this bill in line with the budget resolution.

In the budget resolution process, the House originally recommended a total for Defense which was \$1.6 billion higher than the Senate.

The House position was higher. And when we passed the Defense authorization bill 4 weeks ago, that bill was marked to the higher House level.

And when we marked up this bill, we also went to the original House-passed level.

We brought this bill to the full Appropriations Committee last week. Based on tentative discussions in the budget conference, we were led to believe the House and Senate would split the difference in the defense number. That meant the House number would come down by \$800 million.

So in full committee, I offered an amendment which cut our subcommittee bill by \$800 million.

So the bill before the House right now is already \$800 million under our original target.

But when the final budget agreement was reached, it turns out we did not get a split, we went all the way to the lower Senate figure.

That means we have to cut this bill, again.

So, I find myself in the somewhat awkward position of offering this amendment.

For those of you who know me, I think if you had approached me a few years ago, or even a few weeks ago, and said Bill, we want you to offer amendments to cut your committee's Defense appropriations bill by \$1.3 billion, I probably would have told you not on your life.

Our subcommittee wrote a good bill. FLOYD SPENCE, and his committee, and LARRY COMBEST and the Intelligence Committee, they wrote good bills.

We are trying to take care of the troops and their families. We are trying to make sure our personnel have the best equipment, the best training, the best intelligence to do their jobs around the world.

So when as chairman of this subcommittee, I get the pleasure of trying to find \$1.3 billion in cuts to what we thought was a pretty good Defense appropriations bill, it is not a job I enjoy.

But we all have to deal with the hand we have been dealt. So here we are, cutting half a billion dollars out of the Defense bill.

Finding this money has not been easy. We have been working over a week to come up with a balanced package, one that does not do irreparable harm.

And when I say we, I mean myself and our ranking minority member, Mr. MURTHA. I worked with Mr. MURTHA from the start on this. We went back and forth, and believe me, neither of us enjoyed it because we had to make some tough decisions. Everybody had to give something.

We also ran this past our subcommittee, getting their input as well as the members of the committee.

So this is not a perfect amendment, but it is one we tried to develop on a bipartisan basis, one that was fair and that did the least harm.

This amendment cuts a total of \$508.2 million.

We propose cutting \$50 million out of excess spare parts inventories. This a cut we found based on audit work done at the Pentagon that shows in certain instances we have overbudgeted for spare parts.

That was the easy one. To find the other \$458 million, we had to cut, or trim back, money we recommended in modernization programs, each one important to the services.

The amendment cuts \$56.2 million from Army missile procurement, which we recommend to come from the total in the bill for MLRS launchers.

We originally proposed an add over the President's budget of \$66.2 million—we would cut that back by \$56 million.

We take out \$52 million from Air Force aircraft procurement, that being for one airborne command, control, and communications aircraft—or A-B-Triple C.

This was on the Air Force shortfall list, as a top unfunded item. We originally added funds for three A-B-Triple C's, but the amendment takes out money for one of the three.

Navy shipbuilding—there would be a reduction of \$250 million.

This comes in three pieces.

Fifty million dollars is from an oceanographic ship, the TAGS ship. Again, this was on the Navy's shortfall list so we had \$54 million in the bill. We take out \$50 million in the amendment, which leaves \$4 million which could be used with money we provided last year for long-lead purchases needed to build a TAGS ship.

One hundred million dollars comes from the new attack submarine line. Right now the bill has \$800 million for the new attack submarine, providing long lead money for the first sub, which is being built in Groton, CT, and the second sub which will be done at Newport News, VA.

The amendment cuts this back by \$100 million. It does not specify which sub it will come out of. This leaves \$700 million, still an increase of \$404 million over the budget which we think is enough to keep this program underway.

And the final shipbuilding piece comes from the SSN-23, the third *Seawolf*.

Before this year, we had appropriated \$1.6 billion for the third *Seawolf*.

The budget for this year requested \$699 million. The last increment for the *Seawolf* is budgeted for next year, at \$100 million for a total cost of \$2.4 billion.

We think we can take \$100 million out from the \$699 million in the bill, without really disrupting the program.

Most of the money in the request this year is for Government-furnished equipment, or GFE, which means components like pumps and valves, and electronics. These go into the submarine after it is basically built and so we think taking this money out will not really impact the construction schedule.

That brings us to one last item, a \$100 million reduction in Air Force research and development.

This is for classified activities, and I'm constrained from describing what this is because of the sensitivity of the issues.

Let me just say the bill had recommended additions over the budget to accelerate certain activities. This reduction of \$100 million will not stop this effort, and in fact still allows these projects to move out.

On all these items, we know we may need to make adjustments down the line and I expect if we have taken out too much we will

have another chance to deal with them in conference.

That's our proposal, a \$508.2 million cut.

If adopted, this would bring the bill down to a total of \$245.3 billion.

This level is significantly less than last year, if you adjust for inflation.

We would be 2 percent less than fiscal year 1996, or about \$4.7 billion less than 1996 when adjusted for inflation.

In fact, if this amendment is adopted, we will be at a level which you could consider as being below the 1996 enacted level, if you back out the pay raise and the extra \$475 million for medical care we have in the bill to restore the cuts for medical care proposed by the President.

I mention all this because you will hear throughout the debate today that this bill is over last year's level—and you will be asked to vote on any number of cutting amendments to bring the bill down even further.

I want to say again—if you vote for this amendment, then we will be nearly \$5 billion less than last year, adjusting for inflation. The DOD will be asked to operate with \$4.7 billion less in terms of buying power. This will be the twelfth straight year Defense budgets will have lost ground.

And we will actually be below a hard freeze, if you give us credit for the pay raise and the medical funding in the bill.

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

Mr. YOUNG of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. YOUNG].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. YOUNG of Florida. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Florida [Mr. YOUNG] will be postponed.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1997, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department

of Defense Military Retirement Fund; \$20,692,838,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; \$17,000,856,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; \$6,103,808,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; \$17,099,550,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; \$2,083,379,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United

States Code; and for payments to the Department of Defense Military Retirement Fund; \$1,392,406,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 to title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; \$387,943,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; \$780,497,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; \$3,279,393,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; \$1,294,490,000.

Mr. YOUNG of Florida (during the reading). Mr. Chairman, I ask unanimous consent that title I of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. Are there any amendments to title I?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$11,437,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; \$18,365,679,000 and, in addition, \$50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided*, That of the funds appropriated in this paragraph, not less than \$300,000,000 shall be made available only for conventional ammunition care and maintenance: *Provided further*, That of the funds appropriated in this paragraph, \$12,084,000 shall not be obligated or expended until authorized by law.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$3,995,000, can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; \$20,390,397,000 and, in addition, \$50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided*, That of the funds appropriated in this paragraph, \$39,933,000 shall not be obligated or expended until authorized by law.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; \$2,465,077,000.

OPERATION AND MAINTENANCE, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$8,362,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; \$17,938,755,000 and, in addition, \$50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided*, That of the funds appropriated in this paragraph, \$39,133,000 shall not be obligated or expended until authorized by law.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; \$10,212,985,000, of which not to exceed \$25,000,000 may be available for the CINC initiative fund account; and of which not to exceed \$28,500,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$1,116,436,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$882,927,000: *Provided*, That of the funds appropriated in this paragraph, \$24,000,000 shall not be obligated or expended until authorized by law.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$108,467,000: *Provided*, That of the funds appropriated in this paragraph, \$2,000,000 shall not be obligated or expended until authorized by law.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$1,491,553,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); \$2,268,477,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of

things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; \$2,671,373,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces; \$6,797,000, of which not to exceed \$2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, DEFENSE

(INCLUDING TRANSFER OF FUNDS)
For the Department of Defense; \$1,333,016,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes (including programs and operations at sites formerly used by the Department of Defense), transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, as the Secretary may designate, to be merged with and to be available for the same purposes and for the same time periods as the appropriations of funds to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code); \$60,544,000, to remain available until September 30, 1998.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise; \$302,900,000, to remain available for obligation until September 30, 1999.

QUALITY OF LIFE ENHANCEMENTS, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, resulting from unfunded shortfalls in medical programs and the repair and maintenance of real property of the Department of Defense (including military housing and barracks); \$975,000,000, of which—

(1) \$475,000,000 shall be transferred to funds made available under the heading "Defense Health Program" in title VI of this Act and be available for operation and maintenance; and

(2) \$500,000,000 shall be available for the maintenance of real property of the Department of Defense (including minor construction and major maintenance and repair) and shall remain available for obligation until September 30, 1998, as follows:

Army, \$165,000,000;
Navy, \$75,000,000;
Marine Corps, \$40,000,000;
Air Force, \$120,000,000;
Army Reserve, \$20,000,000;
Navy Reserve, \$20,000,000;
Marine Corps Reserve, \$2,000,000;
Air Force Reserve, \$16,000,000;
Army National Guard, \$29,000,000; and
Air National Guard, \$13,000,000.

Mr. YOUNG of Florida (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT OFFERED BY MS. FURSE

Ms. FURSE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. FURSE: At the end of title II (page 16, after line 3), add the following new paragraph:

REDUCTION OF FUNDS

Amounts appropriated in other paragraphs of this title are hereby reduced as follows:

From OPERATION AND MAINTENANCE, ARMY, \$12,950,000.

From OPERATION AND MAINTENANCE, NAVY, \$3,500,000.

From OPERATION AND MAINTENANCE, MARINE CORPS, \$1,750,000.

From OPERATION AND MAINTENANCE, AIR FORCE, \$7,700,000.

From OPERATION AND MAINTENANCE, DEFENSE-WIDE, \$9,100,000.

Mr. MURTHA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Ms. FURSE. Mr. Chairman, I am just going to thank the chairman and the ranking member for accepting the amendment. I will not take any more of the time.

Mr. Chairman, I rise to offer an amendment that makes sense for the U.S. taxpayer and that makes sense for our military transportation system. First, however, I want to express my appreciation for the excellent leadership of Chairman YOUNG and Ranking Member MURTHA. Their collegiality is the hallmark of this fine institution in which we work.

My amendment reduces funding for USTRANSCOM—the transportation command—by an additional \$35 million. It will cut out layers of unnecessary wasteful bureaucracy so that the Department of Defense transportation system can operate more efficiently and adopt practices more similar to those utilized in the private sector.

The U.S. Transportation Command budget is estimated at \$4 billion for fiscal year 1997. The General Accounting Office recommended reducing that budget in order to encourage making needed organizational changes.

Our defense transportation costs are much higher than necessary. The Department of Defense frequently pays double or triple the cost of the basic transportation, ocean freight, for example, because of redundant bureaucratic structures.

DOD's transportation system is organized in substantially the same way it was more than a decade ago before the era of containerization. Containers are a much more efficient means of moving cargo intermodally—a container can be trucked overland, shipped across the ocean and then trucked to its ultimate destination without being unpacked at transfer points.

Mr. Chairman, my State of Oregon that is perched on the Pacific rim knows about trade. Our industries know how to move our products around the world in an efficient manner. I know that we can create a seamless, intermodal transportation system that best serves our national security needs. DOD has begun to make some efforts in that direction, but I believe organizational changes are needed in order to achieve real savings.

I urge support for my amendment which will build upon the outstanding work of the subcommittee in implementing those changes.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The SPEAKER pro tempore (Mr. MCCRERY) assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 178) "Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 1997 and setting forth appropriate budgetary levels for fiscal years 1998, 1999, 2000, 2001, and 2002."

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment because we are not exactly sure what the effect of it would be. Basically these cuts come from operation and maintenance for all the services. We have made substantial efforts to substantially improve quality of life for the people who serve us in the military.

Mr. Chairman, having just been handed a different copy of the amendment, let me ask the question, is this one not operational now?

Mr. Chairman, I yield to the gentlewoman to answer the question. We are not sure what amendment is pending. It is difficult to get these amendments at the last minute and not know exactly what the effect might be. We have been very careful in crafting the bill to pretty much know what the effect of what we did might be.

Mr. Chairman, I would like to ask the gentlewoman from Oregon [Ms. FURSE], to give us some assurance that her amendment is not directed at operation and maintenance for the services that would affect barracks repair, for example, or quality of life issues, education, things of this nature.

I yield to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, it would help the Department of Defense transportation system operate more efficiently. It would be just directly at that efficiency of operation for U.S. Transcom.

Mr. YOUNG of Florida. Mr. Chairman, just to make sure that we understand, the paper that I was given originally as the gentlewoman's amendment that did relate to operations and maintenance, that is not the operational amendment that we are dealing with now?

Mr. FURSE. That is correct, Mr. Chairman. I apologize that I caused that confusion. I thank the gentleman for his patience with me.

Mr. YOUNG of Florida. Mr. Chairman, we are willing to accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon [Ms. FURSE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. YOUNG OF
FLORIDA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida [Mr. YOUNG] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 396, noes 25, not voting 13, as follows:

[Roll No. 239]

AYES—396

Abercrombie
Ackerman
Allard
Andrews

Archer
Armey
Bachus
Baesler

Baker (CA)
Baker (LA)
Baldacci
Ballenger

Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bellenson
Bentsen
Bereuter
Berman
Bevill
Bilirakis
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Creameans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich

Emerson
Engel
English
Ensign
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Galleghy
Ganske
Gekas
Gephardt
Gibbons
Glchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Heineman
Herger
Hilleary
Hillhard
Hinchey
Hobson
Hoke
Holdsen
Horn
Hoyer
Hutchinson
Hyde
Ingalls
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe

LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBlundo
Lofgren
Longley
Lucas
Luther
Maloney
Manton
Manzullo
Markay
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalfe
Meyers
Mica
Millender
McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollinari
Mollohan
Moorhead
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Oliver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel

Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster

Skaggs
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stupak
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torrice
Towns

NOES—25

Barr
Bartlett
Bishop
Clyburn
DeLauro
Everett
Gedjenson
Geren
Hansen

Hefley
Hostettler
Hunter
Johnson, Sam
Kennedy (RI)
Kennelly
McIntosh
Meek
Montgomery

Pickett
Reed
Siskisky
Skelton
Stump
Talent
Taylor (MS)

NOT VOTING—13

Bilbray
Bonior
Callahan
Ewing
Forbes

Gillmor
Hayes
Houghton
Lincoln
Lowey

McDade
Moran
Schumer

□ 1459

Messrs. BARTLETT of Maryland, PICKETT, and EVERETT changed their vote from "aye" to "no."

Mrs. EDDIE BERNICE JOHNSON of Texas and Mr. YATES changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SCHUMER. Mr. Chairman, during roll-call vote No. 239 on H.R. 3610 I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. GEKAS. Mr. Chairman, I move to strike the last word for the purpose of entering into a colloquy with the chairman of the committee. Mr. Chairman, I wish to engage the chairman, the distinguished gentleman from Florida [Mr. YOUNG], in a colloquy of importance to my district and to the Nation as a whole.

I would say to the chairman of the committee, it had been my intention to come before the Subcommittee on National Security, which the gentleman chairs, to ask for his support of an environmental restoration database center at the Superfund site of the former Olmsted Air Force base, now the Harrisburg International Airport, which is in my congressional district in Penn-

sylvania. However, knowing that the committee's preference was to proceed without such amendments, I have instead come to the floor of the House to discuss my concerns about the database center.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding to me.

I have read the information the gentleman has provided to me about the need for the database center at the Harrisburg International Airport. We see merit with the gentleman's conclusions that such a database center is, in fact, necessary for the continued environmental restoration of the former Olmsted Air Force Base and that the Air Force should fund such a database center.

Mr. GEKAS. I thank the chairman. In fact, for a sum of \$123,000 over 5 years, the Pennsylvania State Data Center has proposed to professionally manage and maintain the mountains of Superfund data that have been collected. I doubt that a better choice could be made, since this is the only data center for the entire Commonwealth of Pennsylvania, and is also located adjacent to the said Harrisburg International Airport.

I pledge to the distinguished chairman of the Subcommittee on National Security that I will report to him regularly on the progress we are making with the Air Force on this matter, as this appropriation bill makes it way to conference.

Mr. YOUNG of Florida. I thank the gentleman from Pennsylvania and will look forward to the gentleman keeping the committee informed.

Mr. GEKAS. Mr. Chairman, as previously discussed with Subcommittee Chairman YOUNG of Florida, I had intended to offer an amendment to title II, Air Force Operation and Maintenance, of H.R. 3610, the fiscal year 1997 Department of Defense Appropriations Act. My amendment would have addressed Air Force funding for the operation and maintenance of an environmental restoration database center on the site of the former Olmsted Air Force Base, a current Superfund site in Middletown, PA.

The Air Force, which has been fully funded by past Congresses to complete the environmental restoration of the former Olmsted Air Force Base—now the Harrisburg International Airport and other properties—refuses to fund a site database center. The center, which would serve as the final step in the site's complete restoration and deletion from the Superfund list, would incorporate data from all current and future environmental investigations. There are two options available to the Congress: either compel the Air Force to use the funds it has already been appropriated, or obtain an additional appropriation.

The Harrisburg International Airport [HIA] located in Middletown, PA, near the State capital of Harrisburg, is situated on the immediate

and surrounding grounds of the former Olmsted Air Force Base. The former Air Force base is now a 1984-designated Environmental Protection Agency Superfund site—referred to as the Middletown Airfield Site. The site's existence is due directly to the activities that took place during the operation of Olmsted Air Force Base from 1917 to 1967. For the last 13 years, an intense effort has been undertaken at the local, State and Federal level to determine the nature of the hazardous waste left by the Air Force when it closed Olmsted, the origins and locations of its spread, and the proper remediation of the waste, all within the dictates of the EPA Superfund designation and with the goal of getting HIA deleted off the Superfund list by the end of this year.

I have been involved with the HIA/Olmsted waste site since 1983 when it was thought that its inclusion on the Superfund list would be the fastest, cheapest and best way to clean up the waste left by the Air Force. In the years since HIA was put on the Superfund list, the Air Force, the Army Corps of Engineers, the Commonwealth of Pennsylvania—the current owner of the land—local, regional and private entities, our late U.S. Senator John Heinz, former Senator Wofford, current Senators SPECTER and SANTORUM, Congressmen MURTHA, MCDADE, GOODLING, WALKER, and this Member of Congress—along with many others too numerous to mention at this time—have sought to make the efforts at HIA a model site cleanup program for emulation by other formerly used defense sites [FUDS] across the United States.

As part of the cleanup effort, adequate funds were dedicated in several Defense Appropriations bills to provide for a full cleanup of the site. At this moment it is doubtful that all those funds have been expended. All parties have understood that full cleanup meant that follow up Superfund delisting the land in question would be available for public and private development.

Throughout the cleanup process, a huge amount of data has been collected from the several public and private environmental investigations conducted. A crucial part of the current EPA-mandated delisting effort—and any post-delisting development that occurs—is the continued interpretation and management of this data. Remediation could not occur under Superfund without the requisite interpretations of site data. Personnel at the Harrisburg International Airport and post-Superfund developers must be able to determine what happened on the site, and any future environmental questions that arise at HIA must refer back to the data from the current cleanup effort. When all the current participants have left the site, the only reliable reference source will be a database.

If new contamination is discovered at HIA in the future, the current data will be consulted to determine how to respond. In fact, if any new contamination is found and determined to be from the same source—Olmsted—as was the previous contamination, the

Air Force may be called back to conduct new remediation efforts. Or, in a worst case scenario, on-site personnel from the airport and localities might have to make quick decisions about how to deal with an emergency situation. To adequately and accurately do this will require a fully functioning and accessible site database. If no database is centrally maintained after HIA Superfund delisting—that is, after the Air Force discontinues its work—the new remediation efforts will be much more difficult, much more costly, and take much longer to accomplish, and any emergency response effort may be critically flawed by the lack of necessary data.

But, unfortunately, as we near the end of the long march to delisting, the issue of who will fund and maintain this database has arisen as a very serious bar to post-cleanup development. The Air Force, through the Army Corps of Engineers, refuses to either maintain or pay for the maintenance of a site database. The Air Force is wrong in their refusal. From the very beginning, in the many meetings with various Assistant and Under Secretaries of Defense regarding HIA, it was fully understood that post-Superfund site maintenance would include a managed database and appropriations were made with the database in mind.

The "Report of the Defense Environmental Response Task Force" of October, 1991, submitted by then-Chairman Thomas E. Baca, recommended that "adequate resources [be] available for environmental restoration and oversight at closing bases."

As recently as this year, the Department of Defense stated its support for the type of post-remediation followup the HIA database would allow. A February 22, 1996 letter from Sherri W. Goodman, Deputy Under Secretary of Defense—Environmental Security—cites her support for the annual report to Congress of the Defense Environmental Response Task Force [DERTF], which she chairs: "The purpose of the DERTF is to study and provide findings and recommendations for expediting and improving environmental response actions at military installations being closed or realigned." Further, section 3.3 of the DERTF report states: "Effective measures must be in place before transfer of property to ensure adequate protection of human health and the environment." And, in the same report, section 3.4—Liability For Subsequent Response Actions: "However, further cleanup may be required if the land use changes and the original remedy, although protective for the anticipated land use, is not fully protective under the new land use."

And, finally, and most importantly, I offer excerpts from the April, 1996, "Final Report of the Federal Facilities Environmental Restoration Dialogue Committee," which is an EPA advisory

committee whose participants include the Department of Defense. In its report, the committee notes the importance of the role of local governments in Federal facility environmental restoration, stating that "local governments very often serve as first responders in emergency response situations." In discussing the role of the Federal Government in the Federal facility cleanup process, the committee states that policies should include:

"The identification and characterization of contamination and the evaluation of health impacts on human populations are essential parts of the cleanup process."

"* * * provid[ing] access to resources, information, and training so all stakeholders are able to participate in decision making."

"Designating locations for access to information appropriate and convenient for the affected communities.* * *"

"* * * funding of preventative pollution control activities should be viewed as a cost of doing business and funded in conjunction with the activity causing the problem."

Mr. Chairman, how can the Department of Defense, in publication after publication, express a need for and responsibility of site maintenance in the future and then deny such maintenance as is proposed with the site database for Harrisburg International Airport? And, further, the Commonwealth of Pennsylvania has offered the Pennsylvania State Data Center, located next to HIA, to manage and maintain the HIA site database for 5 years for under \$123,000. The State data center is a public entity, a professional data center, and an on-site location which has offered to manage a database for a very reasonable cost.

The phrase "penny wise, pound foolish" seems appropriate here.

The Commonwealth of Pennsylvania is on record in complete support of the database center, especially as it impacts the Harrisburg International Airport. In a recent letter to Senator RICK SANTORUM, Elizabeth Sarge Voras, Deputy Secretary for Aviation, states;

The Commonwealth of Pennsylvania considers this matter to be of paramount importance in meeting the airport's operational, preventive maintenance and repair, health and safety, and developmental requirements.

The facts are these: I believe the Department of Defense made a commitment to this and other Members of Congress and the Commonwealth of Pennsylvania to manage and maintain a post-cleanup database; the Department of Defense has stated in a report to Congress this year its commitment to post-cleanup development and database management at its waste sites; and, the Pennsylvania State Data Center has offered the best database management, service at the best location for the best price. Mr. Chairman, based

on the simple facts, I believe that the Committee on Appropriations may want to take action in the future to persuade the Department of Defense to fund this site database. We hope that the Department of Defense—and specifically the Air Force and Corps of Engineers—will see that the Pennsylvania State Data Center is the best way to proceed and will make available funds for the database from the appropriations it has already been given by the Congress.

The CHAIRMAN. The Clerk will read.
The Clerk read as follows.

TITLE III PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$1,308,709,000, to remain available for obligation until September 30, 1999.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$1,044,767,000, to remain available for obligation until September 30, 1999: *Provided*, That of the funds appropriated in this paragraph, \$16,938,000 shall not be obligated or expended until authorized by law.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$1,500,414,000, to remain available for obligation until September 30, 1999: *Provided*, That of the funds appropriated in this paragraph, \$175,600,000 shall not be obligated or expended until authorized by law.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$1,150,128,000, to remain available for obligation until September 30, 1999.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; the purchase of not to exceed 14 passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$2,899,040,000, to remain available for obligation until September 30, 1999: *Provided*, That of the funds appropriated in this paragraph, \$86,800,000 shall not be obligated or expended until authorized by law.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; \$6,896,552,000, to remain available for obligation until September 30, 1999: *Provided*, That of the funds appropriated in this paragraph, \$227,600,000 shall not be obligated or expended until authorized by law.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; \$1,384,408,000, to remain available for obligation until September 30, 1999: *Provided*, That in addition to the foregoing purposes, the funds appropriated above under this heading shall be available to liquidate reported deficiencies in appropriations pro-

vided under this heading in prior Department of Defense appropriations acts, to the extent such deficiencies cannot otherwise be liquidated pursuant to 31 U.S.C. 1553(b): *Provided further*, That of the funds appropriated in this paragraph, \$79,100,000 shall not be obligated or expended until authorized by law.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$341,689,000, to remain available for obligation until September 30, 1999.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; \$4,719,930,000, to remain available for obligation until September 30, 2001: *Provided*, That additional obligations may be incurred after September 30, 2001, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; \$2,889,591,000, to remain available for obligation until September 30, 1999: *Provided*, That of the funds appropriated in this paragraph, \$18,096,000 shall not be obligated or expended until authorized by law.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare

parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 88 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title; \$623,973,000, to remain available for obligation until September 30, 1999: *Provided*, That of the funds appropriated in this paragraph, \$77,225,000 shall not be obligated or expended until authorized by law.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; \$7,326,628,000, to remain available for obligation until September 30, 1999: *Provided*, That of the funds appropriated in this paragraph, \$54,470,000 shall not be obligated or expended until authorized by law.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; \$2,279,500,000, to remain available for obligation until September 30, 1999.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$272,177,000, to remain available for obligation until September 30, 1999.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment),

and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 506 passenger motor vehicles for replacement only; the purchase of 1 vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$287,000 per vehicle; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; \$6,078,539,000, to remain available for obligation until September 30, 1999.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 389 passenger motor vehicles for replacement only; the purchase of 2 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles, but not to exceed \$200,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; \$2,247,812,000, to remain available for obligation until September 30, 1999: *Provided*, That of the funds appropriated in this paragraph, \$357,600,000 shall not be obligated or expended until authorized by law.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces; \$908,000,000, to remain available for obligation until September 30, 1999: *Provided*, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component: *Provided further*, That of the funds appropriated in this paragraph, \$103,000,000 shall not be obligated or expended until authorized by law.

Mr. YOUNG of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. OBEY: Page 22, line 6, after the dollar amount, insert the following: "(reduced by \$404,000,000)".

Mr. OBEY. Mr. Chairman, with the end of the cold war, the Navy acknowledges that they have no military requirement for an additional nuclear attack submarine. At the present time we are cutting up dozens of submarines, including a number of Los Angeles class submarines, but the Navy nonetheless decided that they were going to proceed to spend billions of dollars to build a new attack submarine because they wanted to maintain the industrial base.

That is not a bad reason. I do not argue with that. But the fact is that from there on, what the Pentagon wanted to do has been sidetracked by the Congress and by the authorizing committee. DOD essentially wanted to build two submarines. They paid for one last year. They wanted to do another one, not this year but the coming year after this, but the committee instead decided what they wanted them to do is to build four different prototype submarines.

End result: We are going to be spending \$4 billion more than the Pentagon wanted us to spend to determine what kind of attack submarines we ought to be building in the future. My amendment simply removes \$404 million to eliminate the congressional expansion of what was originally a limited Department of Defense decision in terms of proceeding with the construction of attack submarines.

Mr. Chairman, there is absolutely no reason why we are building more than two submarines except pork. The only reason is that we have a competition between a number of shipyards, Connecticut and Virginia being the two in question here, and as a result, we are going to wind up keeping both happy at an additional cost of \$4 billion.

Mr. Chairman, when this bill is done today, we are going to go over to the Rayburn Building and we are going to be voting on the Labor, Health, Education bill that requires us to squeeze education, squeeze student loans, squeeze job training, squeeze social services, and yet we are buying into, in this bill, the idea that we ought to proceed with this expanded acquisition of attack submarines. That does not make any financial sense, it does not make military sense; it may make a lot of political sense for the people involved in the decision, but it is a cockamamie way to go about meeting a threat that does not even exist.

Mr. Chairman, I would suggest that is all there is to the argument. People will know where they are going to come from. I do not see any reason to take more time. I would simply urge the Members, if they are interested in meeting the requirement laid down by DOD, rather than meeting the political

requirement laid down by the Congress, they will save \$404 million by voting for this amendment.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the vote we have just had already reduced this submarine line by \$100 million. Without going into a lot of detail why we need the new submarines, the old submarines are getting older and older. The fact is that the Navy had planned to build 30 of these new attack submarines and do them at one yard. We believe that the idea of building all of the submarines in one yard is not good for the taxpayer. We believe that competition is the smart way to go in dealing with large military procurement programs. The program in this bill provides for competition. If we do not have the competition, it is going to cost us a lot more per submarine as we get into the future.

I would just give one big example. A few years back we were having a major battle over aircraft jet engines. One supplier, one manufacturer, was making basically all of the jet aircraft engines.

We decided to go into competition and we ended up with a strong competition between two aircraft jet engine builders, and we got a better engine for less money. The same thing will happen to the submarines. So let us defeat this amendment. Let us continue the program as we have worked it out in the committee and with the administration.

Mr. Chairman, I yield to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, I thank the distinguished gentleman from Florida for yielding to me.

Mr. Chairman, I think it is important to understand that this amendment undoes the agreement that was struck last year, not just here in the Congress, but between the Congress, the administration, the Secretary of Defense, the Secretary of the Navy, and the Chief of Naval Operations of the Navy. This completely undermines that agreement, which would have the future submarine construction program of America developed in two shipyards with a competition for a series of the later attack submarines following the procurement of the first four. This totally undoes that.

The gentleman speaks in terms of the economy of having all submarines constructed in one shipyard. There is a lot of logic to that, but his amendment flies in the teeth of the logic by basically consigning all future submarine construction to the yard which would be the most expensive yard in which to build. Every expert, everyone in the Navy, has conceded that if we are going to have but one yard to build submarines, it could be built more economically in Newport News, where

there is no overhead of other naval ship construction and commercial shipbuilding to spread the cost, whereas at the other remaining yard capable of building a nuclear attack submarine, all of the overhead is attributable just to the submarines.

The amendment makes no sense in terms of a single purpose yard. It makes no sense in terms of we in the Government mandating where future submarines will be built, rather than having them built where competition says they can be built at the most economical basis for the taxpayers of America. Heaven only knows, we need the submarines.

The Secretary of the Navy wrote us, saying that funding for this submarine that he was eliminating was the highest priority for the Navy. The Secretary of the Navy said the same thing. The Secretary of Defense reaffirmed his support for last year's agreement. Let us not undo it.

Mr. YOUNG of Florida. Mr. Chairman, this amendment was offered in the Committee on Appropriations and it was defeated on a very strong bipartisan vote of 35 against, 12 for. I hope the ratio is equally strong here. I ask the Members to oppose this amendment.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment, and ask for a vote on the amendment.

The CHAIRMAN. Is there further debate on the amendment?

If not, the question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the chairman announced that the yeas appeared to have it.

Mr. OBEY. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] will be postponed.

The point of no quorum is considered withdrawn.

Are there further amendments to title III?

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 3610 the fiscal year 1997 Department of Defense Appropriations Act. I ask my colleagues to join me in supporting this bill, which provides the bare minimum to keep the peace and ensure that America's military remains second to none.

I am troubled that some fail to recognize that the only guarantee of peace is a strong America. Those who would disarm, those who would further downsize the military fail to understand the basic concept of cause and effect. Like most dreamers they steadfastly refuse to cloud their

crystal clear vision with reality. Others argue we can't afford our military. They argue that America cannot continue to spend funds on our defense. This view is as dangerous as it is irresponsible.

But don't take my word for it. Walk across the street. Go to the Library of Congress. Pick up any history book and read about the past. I ask the dreamers to read about Nazi Germany's respect for their disarmament treaties; read about imperial Japan's respect for other's independence. Read this before you vote. I ask the penny pinchers to read about how unprepared America and democracies were. To read about how small our military was, to think about what kind of world we would live in today if that decade's penny pinchers had won their argument and stopped the modernization of the R.A.F. I shudder to think who would have won the Battle of Britain and ultimately the war in Europe if they had won that debate. These are the facts, it's history, it's there in black and white for each and every one of you to read.

I am disturbed that some of you ignore these experiences saying that's old news. History is for the past and mankind is different today. My friends you are playing with fire. Remember we have a sacred responsibility to uphold the Constitution and defend our Nation. If you remain unconvinced take a few minutes and go to Arlington National Cemetery. Listen to those who speak so articulately in their silence. Remember their sacrifices and remember your responsibility to those who are following in their footsteps by serving America and defending freedom. Then stop and visit the Archives. Look at our Declaration of Independence and our glorious Constitution and remember your responsibility. These are not mere pieces of papers. These are the heart and soul of what America is.

As Americans we can make only one choice if we are to remain true to those heroes who fell defending our freedom. Our only choice is to vote for this bill. A "no" vote betrays those who have made the ultimate sacrifice. A "no" vote jeopardizes the freedoms we hold so dear. A "no" vote is wrong for America. My friends as we vote today under the watchful gaze of our first Commander in Chief—our greatest leader—George Washington—be true to his legacy—be true to America—and vote "yes" for this Defense appropriations bill.

□ 1515

Mr. MURTHA. Mr. Chairman, I ask unanimous consent that the amendment of the gentleman from Vermont [Mr. SANDERS] numbered 20 may be considered as the Smith-Sanders amendment at this point, notwithstanding it addresses a portion of the

bill not yet read, because one of the Members cannot be on the floor later on.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. YOUNG of Florida. Mr. Chairman, reserving the right to object, I do so to inquire of the gentleman if this is amendment No. 20 as printed on page 6287 of the CONGRESSIONAL RECORD of June 12?

Mr. SANDERS. If the gentleman will yield, Mr. Chairman, that is correct.

Mr. YOUNG of Florida. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment No. 20 offered by Mr. SMITH of New Jersey: Page 87, after line 3, insert the following new section:

SEC. . None of the funds available to the Department of Defense under this Act may be obligated or expended to pay a contractor under a contract with the Department of Defense for any costs incurred by the contractor when it is made known to the Federal official having authority to obligate or expend such funds that such costs are restructuring costs associated with a business combination that were incurred on or after August 15, 1994.

Mr. MURTHA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SMITH of New Jersey. Mr. Chairman, I thank my friend and colleague from Vermont [Mr. SANDERS] for his cooperation in working on this amendment. We have been working on this for some time now.

Mr. Chairman, if you thought taxpayers were outraged and dismayed over the revelation that the Pentagon was shelling out \$500 for hammers and \$600 for toilet seats, wait until they learn that Uncle Sam is now subsidizing big corporate mergers and acquisitions, which by design, are intended to throw thousands of people out of work.

That's right, American taxpayers are footing the bill to merge, downsize, and fire people. This is corporate welfare at its worst.

Wait until the public discovers, Mr. Chairman, that thousands of hard-working Americans who have or recently had high paying defense industry jobs, got pink slips not necessarily because of fewer purchase orders, but because the Clinton administration's cynical policy of providing huge subsidies for corporate mergers.

In July 1994, the GAO's first and only available report on just one subsidy approved for payment makes clear a connection between payoffs and layoffs: "The contractor's proposed savings were based entirely on workforce reductions." (GAO/NSIAD-96-80)

The amendment I am offering today, which is cosponsored by Messrs. SANDERS, DUNCAN, MINGE, DEFAZIO, KLUG, and NEUMANN, puts a stop to this outrageous and largely obscure policy of subsidized downsizing until Congress and the taxpayers receive some reliable data on how much has been spent and what the human and budgetary impact of these subsidies are.

Make no mistake: Nobody is trying to interfere with legitimate private business decisions to merge. Of course, the establishment of monopolies is a different story. And nobody denies that leaner defense firms have the potential to save DOD some money on future cost-plus contracts.

But when Uncle Sam crosses the line between simply permitting mergers, and actively promoting and partially underwriting them, we have strayed.

Mr. Speaker, my amendment will end this fatally flawed policy from inflicting any more damage that has already been done.

The Smith-Sanders-Duncan-Minge-DeFazio-Klug-Neumann amendment is based on common sense—because the proponents of the Clinton policy have not proven their case—they have not even performed the duties that they were required by law to do.

Amazingly, the report by DoD called for in section 818 of Public Law 103-337 has still not been released, even though it was to be available by November 1995. This report was at the heart of congressional demands for accountability over these merger subsidies.

And when the hard data becomes available, it may show that the Clinton policy isn't just antijobs, but a net loss to taxpayers as well. GAO's testimony on this policy said the amount of restructuring costs charged to DoD contracts "could be substantial, possibly involving several billions of dollars." (GAO/T-NSIAD-94-247) Furthermore, GAO added that money spent on merger subsidies was "likely to place further increased pressure on DoD procurement budgets."

How can we, as guardians of the public purse, just watch as money goes out the door and nobody knows who's getting what and exactly how much this is costing us?

To date, some 32 defense contractors have lined up to receive some of Uncle Sam's corporate largess. Lockheed-Martin is just one of those contractors, but their requests could cost the taxpayers \$1.6 billion. Among Lockheed-Martin's approved requests for downsizing costs is a proposal submitted on January 31, 1996, to close down the Astro Space facility in East Wind-

sor, NJ, which puts 3,200 jobs in jeopardy.

Mr. Speaker, this policy is the direct cause of some 3,200 layoffs in my district alone, and it uses the tax dollars of these every same people to do it.

Nor does anybody know what the net impact of these layoffs are likely to be. The premise, behind this policy are fundamentally at odds with America's free-market economy. Firms merge and restructure when they believe it is in their best interest to do so. If Wall Street lacks the confidence to underwrite a merger, why should Uncle Sam come to the rescue, doling out the tax dollars to make it work?

The flaws in current law are legion. Current law says DOD can only pay out restructuring costs if they see audited cost savings. That sounds nice, but what about the ripple effects of all these layoffs? What about the lower revenues realized and higher government services needed to assist those thrown out of work? What about the reduction in competition as mergers lead to monopolies?

This amendment is supported by a wide variety of organizations and individuals. Charlie Marcianite of the New Jersey State AFL-CIO says "Republican Smith's amendment ensures that Uncle Sam's reimbursement offers do not prompt otherwise unlikely layoffs and it also ensures that taxpayers are not forced to pay for programs that put people out of work."

Steve Moore of the CATO Institute described the policy as "an egregious example of unwarranted corporate welfare in our budget." Dr. Lawrence Korb, a former Under Secretary of Defense during the Reagan administration, said, "By this policy of subsidizing defense mergers and acquisitions, the Clinton administration has already created megacompanies that will stifle competition and wield tremendous political power."

Defenders of merger subsidies argue that putting taxpayer money up front to pay for restructuring will lead to cost savings on future contracts. My question is: Since when is it the obligation of the Federal Government to inject itself into a firm's decisionmaking process by offering multimillion dollar inducements to merge and downsize?

For defense contractors, the only thing that seems to separate a good business deal from a bad business deal is how much money Uncle Sam injects into the process. In fact, the former CEO of Lockheed-Martin, Norman Augustine, stated in congressional testimony: "specifically, had [DOD] refused to [subsidize or reimburse] Martin Marietta's proposed General Dynamics Space Division acquisition we would not have made the purchase, certainly not because of spite, but simply because it would have been a bad business deal." (emphasis added) (HASC 103-56, page 46).

Furthermore, why should taxpayers give a windfall to companies to merge if it can be shown that they would have merged anyway? And the idea that Uncle Sam must share savings on cost-plus contracts in order to give incentives to defense contractors is seriously flawed.

The fact of the matter is that when a contractor restructures, they save money for themselves and potentially to DOD. With lower overhead costs distributed throughout the newly merged organization, contractors pick up big savings on both fixed and cost-plus government contracts.

So when contractors tell you how much money DOD may or may not save, what they conveniently leave out is how much money they—not us—are going to save on existing fixed-price contracts.

In fact, Secretary Deutch actually conceded in congressional testimony that lower overhead costs for contractors will lead to windfalls on existing fixed-price contracts.

My colleagues, this issue should be a no-brainer. We need to put a stop to merger subsidy payments until we actually get some hard evidence that this policy even comes close to being what its proponents suggest. I think when all the facts are in, you will agree with me to kill this policy outright. Let's take a breather from government-subsidized "merger mania" and assess the damage already been done. Support the Smith-Sanders amendment to H.R. 3610.

Mr. SANDERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank the gentleman from New Jersey [Mr. SMITH] for his strong efforts and willingness to work with us on this very important amendment, and also point out that the gentleman from Minnesota [Mr. MINGE], the gentleman from Oregon [Mr. DEFAZIO] and the gentleman from Wisconsin [Mr. NEUMANN] are also cosponsors and working with us on this effort.

Mr. Chairman, let me begin by thanking the chairman, Mr. YOUNG, and the ranking member, Mr. MURTHA, and all the Members of the House for the support that they gave me last year for an amendment which I successfully offered, which stopped the disgrace of the Pentagon providing a \$32-million bonus for the CEO's and board members of Martin-Marietta for their merger, and that is a merger which ended up laying off at least 19,000 American workers.

Well, if my colleagues think the \$32 million was a waste of taxpayers' dollars, then they better listen up, because what the gentleman from New Jersey [Mr. SMITH] and I are talking about today amounts to billions of dollars. Yes, the taxpayers are providing payoffs for layoffs. We are actually giving multibillion-dollar corporations

huge amounts of money in order to merge their companies, stifle competition, and lay off American workers. This is an absurd policy, it is a disgraceful policy, it is the worst kind of corporate welfare, and it is a policy that we should end today.

Mr. Chairman, the Members who have come together to sponsor the Smith-Sanders amendment have different philosophical points of view, but we are in agreement that it is absurd that the U.S. Government is providing billions of dollars in taxpayer subsidies to huge profitable corporations so that they can merge and then lay off tens of thousands of American workers. That makes no sense to anyone.

Mr. Chairman, this amendment has widespread support. It is supported by the Taxpayers for Common Sense, the CATO Institute, the Project on Government Oversight, and also supported by Lawrence J. Korb, the former Under Secretary of Defense under President Reagan.

Mr. Chairman, there are a number of reasons why we should support this amendment. First, we have a \$5-trillion national debt. We should not be providing billions of dollars in subsidies to large corporations to lay off American workers. Second of all, we have received almost no documentation from these companies as to what they are doing. What they are saying basically is, "Don't worry, give us the money, trust us, we're going to save the government money." At the very least, we must have a clear outline of the net savings, and we want to know what savings will be effectuated.

Mr. Chairman, if we can believe this, the Pentagon has never submitted any of the annual reports required by law on this program, and the first report was scheduled to be due in November 1995. It has never been filed.

Mr. Chairman, in August 1995 the GAO began their own investigation in spite of the inaction of the Pentagon. The GAO's first and only report on the two companies that applied for and received these payments stated that, and I quote, the contractor's proposed savings were based entirely on work force reductions, end quote.

The GAO also found that in exchange for free taxpayer cash up front, the same companies—FMC Corp. and Harsco Corp. BMY—projected out-year savings fell 85 percent short of what they originally presented to DOD. Further, the GAO reported that only one hearing has ever been held on a policy the GAO has said could cost, quote, several billions of dollars. The GAO also reported that 32 contractors have already lined up and put in requests to receive merger subsidies. One hearing. Billions of dollars.

Third, Mr. Chairman, we can agree about the wisdom or lack of wisdom of industrial policy, but I think everybody here understands that it makes

no sense for the government to get involved in the private sector so that we can lose American jobs. That is insane.

I would support industrial policy if it created decent-paying jobs. Some in this body would not support any industrial policy. The thing they must ask themselves is why is the government selecting certain very large corporations and saying to them, quote, the taxpayers are going to help your company engender certain efficiencies, end quote.

Essentially what the Pentagon is doing is saying to this company, "We're going to help you, we're not going to help the other company." They are encouraging mergers. I think there is a lot to be discussed in terms of this whole issue.

Last, Mr. Chairman, it seems to me that at a time when real wages in this country for working people are in decline, at a time when people are scared to death about whether or not they are going to have their decent paying jobs, they do not want to see their tax dollars going to large multibillion-dollar corporations so that these companies can then merge and lay off American workers.

The CHAIRMAN. The time of the gentleman from Vermont [Mr. SANDERS] has expired.

(By unanimous consent, Mr. SANDERS was allowed to proceed for 1 additional minute.)

Mr. SANDERS. In fact, Mr. Chairman, we should be standing in opposition to that policy. Our tax dollars should not be going to that policy. Imagine the worker from Lockheed-Martin who has been laid off because of the merger saying, "My tax dollars went to laying me off and to hurt my family." That makes no sense.

Mr. DUNCAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be very brief because I understand the managers of this amendment have agreed to accept it. I appreciate their graciousness in that regard very much but I also want to say that I appreciate Mr. SMITH's work on this and the work of many others. This amendment, I think, would have received widespread support on both sides of the aisle. I have been told that there are already some 32 companies that have filed approximately 2 billion dollars' worth of claims under this program and I think that if we had not been careful that this would very quickly turn into one of the largest boondoggles in the entire Federal Government.

The gentleman from New Jersey [Mr. SMITH] and the gentleman from Vermont [Mr. SANDERS] both made reference to the \$92 million in bonuses that were paid out in one merger, approximately a third of those paid by the taxpayers. One man received a bonus of \$9.2 million. I do not believe

there is any way that he could have really earned that type of bonus. I think this is a program that really would horrify most taxpayers if they realized that it was going on and is something that we have never done and would not even consider. I don't believe, for 99.9 percent of the small businesses in this country. I am pleased that this amendment is going to be accepted, and I hope it survives in conference.

Mr. SISISKY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I really did not want to get into this fight here, but I have been working on this same thing for 3 years. It seems strange that somebody who is almost fighting a single battle about privatization in this country and worried about Federal employees has to come up here and try to bring a lot of sensibility into this.

The gentleman said that there were no documents submitted and they are right. They were supposed to submit them in November 1995. Today I talked to the Defense Department. OMB held it up for some unknown reason, I cannot imagine that long, but they will be in in 2 weeks.

□ 1530

As far as no documentation that the gentleman said, I want to show this body section 818 and what we did in that, and then with the Defense Department. This is all of the loops before one penny can come out that they have to go through and be signed off by the Secretary of Defense or an Assistant Secretary of Defense.

I want DOD held accountable when they reimburse defense contractors for restructuring costs. Section 818 achieves this goal. And I think the gentleman from Vermont [Mr. SANDERS] and the gentleman from New Jersey [Mr. SMITH] fully appreciate that. We have certainly briefed their staff on that.

They object to the payment of any reimbursement whatever, and all of us understand why. I know in the case of the gentleman from New Jersey I would be the same way if a merger or combination led to a plant being closed in my district, and that is how I got started in this out in California with former Congresswoman Schenk, who came to me, and that is why we had hearings on it.

But the question is whether this is a good policy. Should DOD reimburse restructuring costs? And I think the answer is yes. Perhaps some of the reason why is for over 10 years DOD procurement spending declined more than 60 percent, 60 percent. There is a significant overcapacity in the defense industry, and that leads to higher overhead and higher prices for defense goods and services.

Yes, it is sad to lay off people, but it is also sad for a plant to go into bank-

ruptcy and lay off people. We just do not have enough business for all the defense contractors. In some cases the most effective restructuring comes from business combinations, acquisitions, and mergers. DOD reimburses contractors for restructuring after acquisitions or mergers that will clearly result in overhead savings for DOD. DOD provides this incentive because the quicker a restructuring occurs, the sooner the Department of Defense and this Government saves money.

Restructuring costs are costs the company incurs to combine facilities and eliminate layers of management. DOD pays a share of allowable costs, such as severance pay, retirement incentives, job training, moving equipment, and relocating employees.

Now, listen to this carefully. This came from the Department of Defense. I have not had GAO, although we have had a report which came from GAO, but DOD does not pay for executive golden parachutes, good will, or for gains or losses resulting from the transfer of assets. No matter what Members read in the paper, and I just heard it now, DOD does not pay for executive bonuses that are contingent solely on merger or acquisitions.

When I learned about DOD's policy of reimbursing restructuring costs, I held hearings and wrote section 818. GAO says it works because they want to repeal it. The industry wants to repeal it because it is too hard to get that money. Section 818 protects taxpayers by forcing DOD to benefit from the legitimate savings of restructuring.

For over 3 years DOD has negotiated restructuring agreements that will save this Government over \$1.4 billion by agreeing to pay restructuring costs of about \$300 million. I think that is a heck of a deal for the taxpayers, and I ask Members to oppose changes in a sound policy and good law.

I have come out of the business world and I think I know a little bit about what is happening. I have a lot of public facilities down my way, and what we are trying to do now is reduce overhead, no matter how we have to do it, to reduce overhead. And this flies raw in the face of just that.

I ask, and I know that Members will accept the amendment and I will not argue with Members on that, but the argument is not over yet because this is the wrong policy that we are getting ready to do.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. SISISKY] has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. SISISKY was allowed to proceed for 1 additional minute.)

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to commend the gentleman for his work

on this thing, and I have great sympathy for what the gentleman from Vermont, Congressman SANDERS, and the gentleman from New Jersey, Congressman SMITH, are doing, but I think there is one other point that needs to be made here. When we go from \$135 billion a year in procurement down to \$38.5 billion a year in procurement, we need less infrastructure, less industrial base to handle those things, and it will require some downsizing.

I think one of the things I have been committed to, I know the gentleman from Virginia has too, is to help when these Government workers, and other workers, private sector workers, get dislocated, to try to have funds to help them get retrained and back into some new endeavor. But to think we can completely avoid any downsizing when we go from \$135 billion a year in procurement down to \$38 billion, I think we have to think about that.

Mr. SISISKY. Mr. Chairman, reclaiming my time, therein lies the problem, really. It is not an easy problem to solve, but we just cannot afford to save everybody and save every company.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the requisite number of words.

I would like to point out to my colleagues that we have discussed this, and although the Department of Defense strongly opposes this, we think there is some merit to what the gentleman from New Jersey and the gentleman from Vermont are trying to do. We have agreed to accept the amendment with the understanding that we would certainly allow the Department of Defense to come back to us with whatever legal information that they would have relative to this.

One of the reasons we did this was to save a lengthy debate. If we are going to get into a lengthy debate, we may have to start getting into the details of this and maybe we will not be able to accept it.

So at this point I am prepared to accept it with the understanding that we will have to take a close look at this between now and conference, because the Department of Defense is definitely opposed to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY. Page 24, line 17, after the dollar amount, insert the following: "(reduced by \$314,100,000)".

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all

amendments thereto close in 10 minutes, to be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. MONTGOMERY. Mr. Chairman, reserving the right to object, could I ask the gentleman from Wisconsin [Mr. OBEY], what weapon systems are covered in this?

Mr. OBEY. Mr. Chairman, if the gentleman will yield, I do not want to impose on the House a lengthy explanation, but essentially what I am trying to do is to eliminate six C-130-J airplanes from this bill because we can save \$10 million a year by waiting until next year to buy the same six planes.

So that is basically what I am trying to do with the amendment, and I do not really much care how much time we have on the amendment.

Mr. MONTGOMERY. Mr. Chairman, how much time was asked for?

Mr. YOUNG of Florida. My unanimous consent request is still pending; correct, Mr. Chairman?

The CHAIRMAN. The gentleman is correct.

Mr. YOUNG of Florida. Mr. Chairman, does the gentleman want to change the time?

The CHAIRMAN. The gentleman from Mississippi [Mr. MONTGOMERY] has the time.

Mr. MONTGOMERY. Forty minutes?

Mr. YOUNG of Florida. Twenty?

Mr. MONTGOMERY. Yes.

Mr. YOUNG of Florida. Mr. Chairman, I withdraw my unanimous-consent request.

Mr. OBEY. Mr. Chairman, if there are no other requests pending, might I be recognized?

The CHAIRMAN. If there is no unanimous consent, the gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, the Air Force wants to buy C-130-J transport aircraft but they only wanted to buy one of them. The Air Force, instead, is getting six more planes than they expected.

I do not really know whether they need those additional planes or not, that is up to somebody who knows a whole lot more about the military requirements of the Air Force on this point than I do. But the problem is that they do not need these planes for more than a decade, and the real kicker is that the Air Force documents, which were obtained by the General Accounting Office, indicated that the Air Force and Lockheed have agreed that the price will drop in fiscal 1998 by \$8.4 million a plane or \$50 million total for the six aircraft.

In other words, all we have to do to save the \$50 million is to wait 1 year. Now, it seems to me under those circumstances that the decision to buy in bulk before the discount defies common sense, but that is exactly what we are going to do.

The issue here is very simple. There will be a lot of people who will want to buy these planes. I am not getting into that argument. All I am saying is if the Air Force needs the planes they can get them next year at a discount. But by buying them this year it will cost us \$50 million more. That is very expensive \$50 million ride the taxpayers are being taken on, and so I would simply, in the interest of economy, say go ahead and buy these planes, but do not buy them until next year because we can save \$50 million if we simply wait 1 year. It is a done deal.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the gentleman's amendment, and I would call to the attention of our colleagues that we have already reduced the C-130 line in the manager's amendment we adopted earlier today.

Among the six aircraft that the Obey amendment would eliminate are four hurricane hunters, WC-30s. These hurricane hunters are extremely important to the United States and especially areas that are subject to hurricanes. The other two of those aircraft would be airborne command and control aircraft. We have already eliminated one of those in the amendment that we have already done.

The gentleman from Wisconsin [Mr. OBEY] makes the case that the Air Force does not want them. Not so. During our hearings, for those Members who attended the hearings, they will recall that when we asked the Air Force for their list of unfunded requirements, these aircraft were on that list.

So the Air Force does not want these airplanes and those of us who are concerned about prediction of hurricane paths and things of this nature, we want these airplanes. We want them to be able to fly, to give us advanced warning to protect our properties and our lives.

So I hope we will defeat this amendment. It is definitely on the Air Force's list of aircraft they would have funded if they did not have a political number so low that they could not ask for it. But it is on their list.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding, and let me say from the national security side and the procurement subcommittee we also asked the Air Force what they needed, and they, in fact, sent these aircraft over to us on a list. They do want it, and we are having that list sent over here and we will supply it to the gentleman from Wisconsin whenever he wants it.

It is requested and it is very important to the Air Force.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for those comments, but I have the list here.

This is a copy of the Air Force unfunded requirements list, and the C-130 requirement is right on this page.

Mr. Chairman, I ask for a "no" vote on this amendment.

Mr. MONTGOMERY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I have great respect for the gentleman from Wisconsin and the gentleman from Pennsylvania, as well as the chairman of this subcommittee, they have done well on the procurement of appropriations, but I am worried we are moving a little too fast on this amendment.

We have already cut one C-130 from this bill and this, now, is six C-130's. Last night it was seven C-130's. Now it is cut back to six. Four of these C-130's are going to the Air Reserve for the hurricane hunters who are flying 40-year-old C-130's now.

It is a dangerous mission going out and looking for hurricanes, seeing which way they are going, how much danger is in the turbulence of these hurricanes. And so these six that he is eliminating, four will go to the Air Reserve. If it had not been for this Congress, we would not have any new equipment for the Air Guard and for the Air Reserve.

I think this is a mistake. I hope we will vote against the amendment.

□ 1545

Mr. TAYLOR of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Chairman, I thank the dean of the Mississippi delegation. It is common knowledge that world's populations are moving to the shorelines. Even in this country, well over half of the people in this country live within 50 miles of the coast.

Mr. Chairman, that means that every one of them is vulnerable to a typhoon or hurricane and every one of them needs to know when to leave prior to that hurricane. The greatest commission that these planes that the gentleman from Wisconsin [Mr. OBEY] would do away with serves is to let people know where and when a killer storm is going to land.

Coming from a place which Hurricane Camille literally knocked off the map, where 250 people in south Mississippi were murdered in one night by a storm, I call tell my colleagues how important it is that people know where and when a storm hits. People thought Hurricane Camille was going to hit New Orleans. It did not. It hit Mississippi, and because people did not leave, 250 lives were lost.

So, Mr. Chairman, I want to thank the gentleman from Florida [Mr. YOUNG] for his opposition to this amendment, and I thank the senior

member of the Mississippi delegation for standing firm in trying to replace these 30-year-old aircraft, that is the newest, where people are literally playing Russian roulette every time they fly a mission because they are the most dangerous peacetime missions that the Air Force serves.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me point out that we are not eliminating the hurricane-seeking capability that the gentleman is talking about. They can use existing aircraft for that, and the Air Force testified to that.

All we are saying is if we are going to buy new replacement airplanes, wait 1 year so that we can save \$8.5 million a copy. Given the squeeze on the budget, I do not think that is an unreasonable request since the agreement has already been reached that any planes that are bought next year will be \$8.5 million cheaper.

Mr. MONTGOMERY. Mr. Chairman, reclaiming my time, with the new equipment that we have given the Guard and Reserve in the Air Force, 40 percent of all the missions of the Air Force are flown by the Air Reserve and the Air Guard.

Mr. Chairman, this is a step backward. I hope Members will vote against the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] will be postponed.

The point of no quorum is considered is withdrawn.

The CHAIRMAN. Are there other amendments to title III?

If not, the Clerk will read.

The Clerk read as follows:

TITLE IV—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$4,874,537,000, to remain available for obligation until September 30, 1998: *Provided*, That of the funds appropriated in this paragraph, \$194,558,000 shall not be obligated or expended until authorized by law.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test

and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$8,399,357,000, to remain available for obligation until September 30, 1998: *Provided*, That funds appropriated in this paragraph which are available for the V-22 may be used to meet unique requirements of the Special Operations Forces: *Provided further*, That of the funds appropriated in this paragraph, \$209,400,000 shall not be obligated or expended until authorized by law.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$14,969,573,000, to remain available for obligation until September 30, 1998: *Provided*, That of the funds made available in this paragraph, \$25,000,000 shall be only for development of reusable launch vehicle technologies: *Provided further*, That of the funds appropriated in this paragraph, \$1,698,486,000 shall not be obligated or expended until authorized by law.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$9,068,558,000, to remain available for obligation until September 30, 1998: *Provided*, That not less than \$304,171,000 of the funds appropriated in this paragraph shall be made available only for the Sea-Based Wide Area Defense (Navy Upper-Tier) program.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director, Test and Evaluation in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith; \$272,038,000, to remain available for obligation until September 30, 1998: *Provided*, That of the funds appropriated in this paragraph, \$20,000,000 shall not be obligated or expended until authorized by law.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith; \$26,968,000, to remain available for obligation until September 30, 1998: *Provided*, That of the funds appropriated in this paragraph, \$5,000,000 shall not be obligated or expended until authorized by law.

Mr. YOUNG of Florida (during the reading). Mr. Chairman, I ask unanimous consent that title IV of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. OBEY: Page 29, line 10, after the dollar amount, insert the following: "(reduced by \$1,000,000,000)".

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that all debate on this amendment, and all amendments thereto, close in 10 minutes and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 5 minutes, and a Member opposed, the gentleman from Florida [Mr. YOUNG] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would simply cut \$1 billion of the roughly \$2 billion appropriated in the bill to continue research and development for the F-22 fighter aircraft. The amendment would direct the Air Force to use the remaining \$1 billion to restructure and delay the program by 5 years for one simple reason: Because the General Accounting Office said it ought to be delayed 7 years, and it seems to me that that being the case, we ought to delay it at least 5 years.

Mr. Chairman, the reason, as I see it, is very simple. The Air Force and the F-22 supporters want us to spend some \$70 billion to buy 442 F-22 replacement planes for the F-15E's. The fact is that we right now have 734 F-15E's. They are estimated to have a military useful shelf life to at least 2010.

So, Mr. Chairman, it seems to me, therefore, that it is absurd for us to buy replacement aircraft for the best fighter aircraft in the world 7 years or more before we need to.

I recognize that there is tremendous pressure to proceed with this purchase and this expenditure. They have subcontracts salted in virtually every State in the Union, and I understand why so few people are going to vote for this amendment. But that does not mean that cutting out this expenditure at this time is the wrong thing to do.

Mr. Chairman, it is the right thing to do. We are seeing a squeeze on the budget all over, whether we are looking at what is happening on housing,

whether we are looking at what is happening on the environment, on education, and in fact and indeed other defense programs.

It seems to me, therefore, that we ought to listen to the accounting arm of the Congress itself, the General Accounting Office, when it says that we ought not to replace these planes early.

I realize that I just misspoke, Mr. Chairman. I indicated that the military useful shelf life of the existing F-15E's took us out to at least 2010. I misspoke. It takes us out to at least 2015, so we have plenty of margin. We have incredible overlap by this purchase.

It seems to me that we ought to save the billion dollars that I am talking about in this bill by stretching out the purchase of this new fighter for at least 5 of the 7 years recommended by the GAO.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment. Again, this amendment was defeated in the full committee on a very large vote, and I would ask that we have that same negative vote on this amendment now.

Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. Dicks].

Mr. DICKS. Mr. Chairman, I will be very brief, and I appreciate the gentleman from Florida yielding me time.

Mr. Chairman, the F-22 is the Air Force's No. 1 priority. I think this has been an outstanding program. My only concern about it, frankly, is quite the contrary of my good friend from Wisconsin. I think we are going at this program too slowly and we are going to wind up spending more money on it because we are dragging it out.

Mr. Chairman, to cut this program this significantly this year would delay it even further and completely disrupt this R&D program. This plane will give us stealth capability and the highest military capability for the future.

Our committee is just as concerned as anyone about long-range power projection and tac air, and we have ordered a study to look at these two issues. I am prepared to wait and see what the outcome of the study is, but I urge my colleagues to stay with the committee, support the F-22. This is an outstanding program and the Air Force's No. 1 priority.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER], a member of the Committee on National Security.

Mr. HUNTER. Mr. Chairman, let me say to the gentleman from Wisconsin [Mr. OBEY], my friend, it is not the shelf life of the aircraft that is important; it is the survival time and the

survivability of the pilot who is flying the aircraft who may happen to be in a kill zone, meaning that he is being tracked by a SAM system with a missile at the end of that SAM system.

Now, the F-22 has a stealth capability. That means if we have people with SAM's down on the ground aiming at our aircraft with an American pilot, they have a much smaller chance of being able to hit that American airplane than they do with the F-15's which have more shelf life.

We preserved the F-117 program, we in Congress preserved it. It served us well in Desert Storm. We should preserve the F-22 program because that will save the lives of American pilots and project our air power.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Chairman, I thank the distinguished gentleman from Florida for yielding me time.

Mr. Chairman, representing tens of thousands of Americans and tens of thousands of American fighting men and women all across the world, I rise today and urge strong defeat of this amendment.

Its proponent, the gentleman from Wisconsin [Mr. OBEY] said it is absurd to buy new fighter aircraft. Hogwash. It is essential that we purchase these new fighter aircraft. It is essential that we continue the efforts to develop the next generation of fighter aircraft which will take us well into the 21st century.

Mr. Chairman, while the gentleman is busy listening to the accountants and the bean counters, I am listening to, and you are listening to, the fighting men and women who depend on that air superiority for their very lives.

This is a foolish amendment. Let us stand up for a program that is recognized by Presidents, Republican and Democrat alike. This is extremely important. This is bipartisan. I urge defeat of this wrong-headed and misguided amendment. Support the F-22 program. Support our troops in the world, and support air superiority into the 21st century. Defeat the amendment.

Mr. YOUNG of Florida. Mr. Chairman, might I inquire as to how much time I have remaining?

The CHAIRMAN. Each side has 2 minutes remaining.

Mr. YOUNG of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, could I ask who has the right to close?

The CHAIRMAN. The manager of the bill has the right to close.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me simply read two quotes from the senior DOD official who gave the background briefing on March 1, 1996, who said the following: "We're committed to it (the F-22)

even though I can't project a threat right now that justifies an F-22."

That was said by the Defense Department official who provided the background briefing. The GAO report in March 1994 said, "Our analysis shows that the F-15 exceeds the most advanced threat system expected to exist * * * Thus, the F-22 initial operational capability can be delayed 7 years."

Now, I know the usual game on this bill. We have military contractors all over the country and because this country is doing very little else to generate jobs and employment, the Defense Department is having its budget used as a fancy public works program.

But the fact is, Mr. Chairman, it is ludicrous for us to spend \$70 billion on a new system that we do not need for at least 7 years and probably twice that long. It is absolutely ludicrous. There is only one reason that this Congress is proceeding, and that is because it is being lobbied to death by all kinds of contractors and subcontractors.

I do not doubt that there are some Members of the House who intellectually feel that this is a good system, but we are going to be in a budget squeeze. We have to recognize that just because the service wants something, we cannot necessarily afford to give them everything they want. The fact is that on the merits, especially given competing priorities in the Defense Department as well as out, we ought to delay this.

That is what this does. This does not end the program; it simply delays it. There is no reason to rush to building a new \$70 billion system for which, in the words of the DOD official doing the background briefing, there is no threat that he can cite right now to justify moving ahead with this aircraft.

Mr. YOUNG of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from Washington [Mr. Dicks] a distinguished member of the subcommittee.

Mr. DICKS. Mr. Chairman, I would like to point out that both the F-15E and the F-16 are not stealthy aircraft, and there has been a proliferation of surface-to-air missiles, including the SA-10, which is a threat to any non-stealthy aircraft that flies today.

So if we are going to send our young men and women into combat in these aircraft, we need to have a stealthy airplane. I have been a major advocate for stealth because it saves money and it saves lives. We can send them into the most heavily defended areas and with standoff weapons take out the surface-to-air missiles where conventional planes would be shot down.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, one of the many responsibilities that members of this subcommittee have is to look out for the taxpayer and make sure that their tax dollars are spent wisely, and at the

same time make sure that we provide enough money to ensure our national security.

On this particular program, the F-22, previous program stretchouts have delayed completing the F-22 by nearly 3 years with a cost growth of \$1.8 billion. We could have used that \$1.8 billion somewhere else. Additional slowdowns or growth time involved in the program will cost additional money.

The gentleman's reduction, as recommended by the Obey amendment, would postpone indefinitely the deployment of the F-22 at the time we are now beginning to build the airplane. Any reduction in this program could be very costly, in fact it could lead to as much as a 40-percent increase in the cost of the balance of this program.

This subcommittee is trying to play catchup. We are trying to pay off some credit card bills that developed over the years.

□ 1600

Mr. Chairman, we are trying to make sure we conduct defense procurement on a very strict, businesslike basis. This amendment will upset all of those plans. Let us defeat this amendment, as we did in the full committee, on a strong bipartisan vote and guarantee that the flyers, the pilots, the aviators, the warriors of just a few years from now will have the best equipment possible should they be required to risk their life in the defense of our Nation. I oppose the amendment and ask for a no vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 453, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 14 offered by the gentleman from Wisconsin [Mr. OBEY]; amendment No. 17 offered by the gentleman from Wisconsin [Mr. OBEY] and amendment No. 19 offered by the gentleman from Wisconsin [Mr. OBEY].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 14 OFFERED BY MR. OBEY

The CHAIRMAN. The pending business is the demand for a recorded vote

on the amendment No. 14 offered by the gentleman from Wisconsin [Mr. OBEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 143, noes 285, not voting 6, as follows:

[Roll No. 240]

AYES—143

Barrett (WI)
Becerra
Bellenson
Berman
Blumenauer
Boucher
Brown (CA)
Brown (OH)
Brownback
Bryant (TX)
Bunn
Campbell
Castle
Chabot
Chapman
Clay
Clayton
Coble
Coburn
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cummings
Danner
DeFazio
DeLauro
Dellums
Dingell
Doggett
Dooley
Duncan
Durbin
Ehlers
Engel
Ensign
Eshoo
Evans
Fattah
Filner
Flake
Foglietta
Foley
Ford
Frank (MA)
Franks (NJ)
Furse

Ganske
Gejdenson
Gibbons
Gunderson
Gutierrez
Gutknecht
Heineman
Hinchey
Hoekstra
Inglis
Jackson (IL)
Jacobs
Johnson (SD)
Kennedy (MA)
Kennedy (RI)
Kennelly
Klug
LaFalce
Levin
Linder
Lipinski
LoBlundo
Lofgren
Lowey
Luther
Maloney
Markey
Matsui
McCarthy
McDermott
McKinney
Meehan
Menendez
Meyers
Miller (CA)
Minge
Mink
Moakley
Morella
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Owens
Pallone
Pastor

Payne (NJ)
Pelosi
Peterson (MN)
Petri
Pomeroy
Porter
Poshards
Ramstad
Rangel
Reed
Riggs
Rivers
Rohrabacher
Roukema
Roybal-Allard
Royce
Rush
Sanders
Sanford
Sawyer
Schroeder
Sensenbrenner
Serrano
Shays
Skaggs
Smith (MI)
Stark
Stenholm
Stockman
Stokes
Studds
Thurman
Torres
Towns
Upton
Velazquez
Vento
Volkmmer
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wynn
Yates
Zimmer

NOES—285

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter

Bevill
Billirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Brewster
Browder
Brown (FL)
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert

Camp
Canady
Cardin
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Combest
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin

Cunningham
Davis
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dornan
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
English
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Flanagan
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gekas
Gephardt
Geren
Gilchrest
Gillman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hobson
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde

Istook
Jackson-Lee
(TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kim
King
Kingston
Klecicka
Klink
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Livingston
Longley
Lucas
Manton
Manzullo
Martinez
Martini
Mascara
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meek
Metcalf
Mica
Millender
McDonald
Miller (FL)
Molinar
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)

Pickett
Pombo
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Regula
Richardson
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Sabo
Salmon
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Shadegg
Shaw
Shuster
Laughlin
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Tiahrt
Torkildsen
Torricelli
Traffant
Visclosky
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—6

Billbray
Gillmor

Hayes
Lincoln

McDade
Schumer

□ 1623

Mr. GREENWOOD, Mr. HANCOCK, and Ms. MILLENDER-McDONALD changed their vote from "aye" to "no."

Messrs. BERMAN, TORRES, INGLIS of South Carolina, and CASTLE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SCHUMER. Mr. Chairman, during roll-call vote No. 240 on H.R. 3610 I was unavoidably detained. Had I been present, I would have voted "aye".

AMENDMENT NO. 17 OFFERED BY MR. OBEY

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment number 17 offered by the gentleman from Wisconsin [Mr. OBEY] on which further proceedings were postponed and on which the "noes" prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device and there were—ayes 126, noes 299, not voting 9, as follows.

[Roll No. 241]

AYES—126

Baldacci	Ford	Neal
Barrett (WI)	Frank (MA)	Neumann
Becerra	Franks (NJ)	Obey
Beilenson	Furse	Oliver
Bentsen	Ganske	Owens
Berman	Gephardt	Payne (NJ)
Blumenauer	Gibbons	Pelosi
Borski	Goodlatte	Porter
Brown (CA)	Green (TX)	Ramstad
Brown (OH)	Gutierrez	Rangel
Brownback	Heineman	Rivers
Bryant (TX)	Hilliard	Rohrabacher
Bunn	Hoekstra	Roukema
Campbell	Jackson (IL)	Roybal-Allard
Clay	Jackson-Lee	Royce
Coble	(TX)	Rush
Coburn	Jacobs	Sanders
Collins (IL)	Johnson (SD)	Schroeder
Collins (MI)	Johnston	Sensenbrenner
Conyers	Kanjorski	Serrano
Cooley	Kennedy (MA)	Shays
Coyne	Kleczka	Slaughter
Cummings	Klug	Smith (MI)
Danner	Lantos	Stark
DeFazio	Levin	Stockman
DeLauro	Lewis (GA)	Stokes
Dellums	LoBlundo	Studds
Deutsch	Lofgren	Tiahrt
Dingell	Lowey	Torres
Doggett	Luther	Towns
Doyle	Maloney	Upton
Duncan	Markley	Velazquez
Durbin	Martini	Vento
Ehlers	McCarthy	Visclosky
Engel	McDermott	Waters
English	McKinney	Watt (NC)
Eshoo	Meehan	Waxman
Evans	Miller (CA)	Woolsey
Farr	Minge	Wynn
Fattah	Mink	Yates
Filner	Moakley	Zimmer
Flake	Morella	
Foglietta	Nadler	

NOES—299

Abercrombie	Barrett (NE)	Bonilla
Ackerman	Bartlett	Bonior
Allard	Barton	Bono
Andrews	Bass	Boucher
Archer	Bateman	Brewster
Armey	Bereuter	Browder
Bachus	Bevill	Brown (FL)
Baesler	Billirakis	Bryant (TN)
Baker (CA)	Bishop	Bunning
Baker (LA)	Bliley	Burr
Ballenger	Blute	Burton
Barcia	Boehert	Buyer
Barr	Boehner	Callahan

Calvert	Herger	Paxon
Camp	Hilleary	Payne (VA)
Canady	Hinchey	Peterson (FL)
Cardin	Hobson	Peterson (MN)
Castle	Hoke	Petri
Chabot	Holden	Pickett
Chambliss	Horn	Pombo
Chapman	Hostettler	Pomeroy
Chenoweth	Houghton	Portman
Christensen	Hoyer	Poshard
Chrysler	Hunter	Pryce
Clayton	Hutchinson	Quillen
Clement	Hyde	Quinn
Clinger	Inglis	Radanovich
Clyburn	Istook	Rahall
Coleman	Jefferson	Reed
Collins (GA)	Johnson, E. B.	Regula
Combest	Johnson, Sam	Richardson
Condit	Jones	Riggs
Costello	Kaptur	Roberts
Cox	Kasich	Roemer
Cramer	Kelly	Rogers
Crane	Kennedy (RI)	Ros-Lehtinen
Crapo	Kennelly	Rose
Cremins	Kildee	Roth
Cubin	Kim	Sabo
Cunningham	King	Salmon
Davis	Kingston	Sanford
de la Garza	Klink	Sawyer
Deal	Knollenberg	Saxton
DeLay	Kolbe	Scarborough
Diaz-Balart	LaFalce	Schaefer
Dickey	LaHood	Schiff
Dicks	Largent	Scott
Dixon	Latham	Seastrand
Doolittle	LaTourette	Shadegg
Dornan	Laughlin	Shaw
Dreier	Lazio	Shuster
Dunn	Leach	Siskisky
Edwards	Lewis (CA)	Skellon
Ehrlich	Lewis (KY)	Smith (NJ)
Emerson	Lightfoot	Smith (TX)
Ensign	Linder	Smith (WA)
Everett	Lipinski	Solomon
Ewing	Livingston	Souder
Fawell	Longley	Spence
Fazio	Lucas	Spratt
Fields (LA)	Manton	Stearns
Fields (TX)	Manzullo	Stenholm
Fleahagan	Mascara	Stump
Foley	Matsui	Stupak
Forbes	McCollum	Talent
Fowler	McCrery	Tanner
Fox	McHale	Tate
Franks (CT)	McHugh	Tauzin
Frelinghuysen	McInnis	Taylor (MS)
Frist	McIntosh	Taylor (NC)
Frost	McKeon	Tejeda
Funderburk	McNulty	Thomas
Gallely	Meek	Thompson
Gejdenson	Menendez	Thornberry
Gekas	Metcalfe	Thornton
Geren	Meyers	Thurman
Gilchrist	Mica	Torkildsen
Gilman	Millender-	Torricelli
Gonzalez	McDonald	Traficant
Goodling	Miller (FL)	Volkmer
Gordon	Mollinari	Vucanovich
Goss	Mollohan	Walker
Graham	Montgomery	Walsh
Greene (UT)	Moorhead	Wamp
Greenwood	Moran	Ward
Gunderson	Murtha	Watts (OK)
Gutknecht	Myers	Weldon (FL)
Hall (OH)	Myrick	Weldon (PA)
Hall (TX)	Nethercutt	Weller
Hamilton	Ney	White
Hancock	Norwood	Whitfield
Hansen	Nussle	Wicker
Harman	Oberstar	Wilson
Hastert	Ortiz	Wise
Hastings (FL)	Orton	Wolf
Hastings (WA)	Oxley	Young (AK)
Hayworth	Packard	Young (FL)
Hefley	Pallone	Zeliff
Hefner	Parker	
	Pastor	

NOT VOTING—9

Johnson (CT)	McDade
Lincoln	Schumer
Martinez	Williams

□ 1630

Mr. DEUTSCH and Mr. BRYANT of Texas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. JOHNSON of Connecticut. Mr. Chairman, on rollcall No. 241, I was unavoidably detained. Had I been present, I would have voted "no".

PERSONAL EXPLANATION

Mr. SCHUMER. Mr. Chairman, during roll-call vote No. 241 on H.R. 3610 I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT NO. 19 OFFERED BY MR. OBEY

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 19 offered by the gentleman from Wisconsin [Mr. OBEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 119, noes 307, not voting 8, as follows:

[Roll No 242]

AYES—119

Barrett (WI)	Furse	Oliver
Becerra	Gephardt	Owens
Beilenson	Gunderson	Pallone
Blumenauer	Gutierrez	Payne (NJ)
Bonior	Hilliard	Pelosi
Borski	Hoekstra	Petri
Brown (CA)	Holden	Rahall
Brown (OH)	Jackson (IL)	Ramstad
Brownback	Jacobs	Rangel
Campbell	Johnston	Rivers
Cardin	Kanjorski	Roukema
Chapman	Kennedy (MA)	Roybal-Allard
Clay	Kleczka	Rush
Collins (IL)	Klink	Sabo
Collins (MI)	Klug	Sanders
Conyers	LaFalce	Sawyer
Cooley	Lantos	Schroeder
Coyne	Lewis (GA)	Sensenbrenner
Cummings	Lofgren	Serrano
Danner	Lowey	Shays
DeFazio	Luther	Skaggs
Dellums	Maloney	Smith (MI)
Deutsch	Markley	Stark
Dingell	Mascara	Stokes
Doyle	McCarthy	Studds
Duncan	McDermott	Stupak
Durbin	McHale	Torres
Ehlers	McKinney	Towns
Engel	Meehan	Upton
English	Menendez	Velazquez
Eshoo	Miller (CA)	Vento
Evans	Minge	Waters
Farr	Mink	Watt (NC)
Fattah	Moakley	Waxman
Filner	Morella	Williams
Flake	Nadler	Woolsey
Foglietta	Neal	Wynn
Ford	Neumann	Yates
Frank (MA)	Oberstar	Zimmer
Franks (NJ)	Obey	

NOES—307

Abercrombie	Flanagan	Martini
Ackerman	Foley	Matsui
Allard	Forbes	McCollum
Andrews	Fowler	McCrery
Archer	Fox	McHugh
Army	Franks (CT)	McInnis
Bachus	Frelinghuysen	McIntosh
Baessler	Frisa	McKeon
Baker (CA)	Frost	McNulty
Baker (LA)	Funderburk	Meek
Baldacci	Galleghy	Metcalfe
Ballenger	Ganske	Meyers
Barcia	Gejdenson	Mica
Barr	Gekas	Millender-
Barrett (NE)	Geren	McDonald
Bartlett	Gibbons	Miller (FL)
Barton	Gilchrist	Molinar
Bass	Gilman	Mollohan
Bateman	Gonzalez	Montgomery
Bentzen	Goodlatte	Moorhead
Bereuter	Goodling	Moran
Berman	Gordon	Murtha
Bevill	Goss	Myers
Bilirakis	Graham	Myrick
Bishop	Green (TX)	Nethercutt
Billey	Greene (UT)	Ney
Blute	Greenwood	Nussle
Boehler	Gutknecht	Ortiz
Boehner	Hall (OH)	Orton
Bonilla	Hall (TX)	Oxley
Bono	Hamilton	Packard
Boucher	Hancock	Parker
Brewster	Hansen	Pastor
Browder	Harman	Paxon
Brown (FL)	Hastert	Payne (VA)
Bryant (TN)	Hastings (FL)	Peterson (FL)
Bryant (TX)	Hastings (WA)	Peterson (MN)
Bunn	Hayworth	Pickett
Bunning	Hefley	Pombo
Burr	Hefner	Pomeroy
Burton	Heineman	Porter
Buyer	Herger	Portman
Callahan	Hilleary	Poshard
Calvert	Hinche	Pryce
Camp	Hobson	Quillen
Canady	Hoke	Quinn
Castle	Horn	Radanovich
Chabot	Hostettler	Reed
Chambliss	Houghton	Regula
Chenoweth	Hoyer	Richardson
Christensen	Hunter	Riggs
Chrysler	Hutchinson	Roberts
Clayton	Hyde	Roemer
Clement	Inglis	Rogers
Clinger	Istook	Rohrabacher
Clyburn	Jackson-Lee	Ros-Lehtinen
Coble	(TX)	Rose
Coburn	Jefferson	Roth
Coleman	Johnson (CT)	Royce
Collins (GA)	Johnson (SD)	Salmon
Combest	Johnson, E. B.	Sanford
Condit	Johnson, Sam	Saxton
Costello	Jones	Scarborough
Cox	Kaptur	Schaefer
Cramer	Kasich	Schiff
Crane	Kelly	Scott
Crapo	Kennedy (RI)	Seastrand
Creameans	Kennelly	Shadegg
Cubin	Kildee	Shaw
Cunningham	Kim	Shuster
Davis	King	Sisisky
Deal	Kingston	Skeen
DeLauro	Knollenberg	Skelton
DeLay	Koibe	Slaughter
Diaz-Balart	LaHood	Smith (NJ)
Dickey	Largent	Smith (TX)
Dicks	Latham	Smith (WA)
Dixon	LaTourette	Solomon
Doggett	Laughlin	Souder
Dooley	Lazio	Spence
Doolittle	Leach	Spratt
Dornan	Levin	Stearns
Dreier	Lewis (CA)	Stenholm
Dunn	Lewis (KY)	Stockman
Edwards	Lightfoot	Stump
Ehrlich	Linder	Talent
Emerson	Lipinski	Tanner
Ensign	Livingston	Tate
Everett	LoBiondo	Tauzin
Ewing	Longley	Taylor (MS)
Fawell	Lucas	Taylor (NC)
Fazio	Manton	Tejeda
Fields (LA)	Manzullo	Thomas
Fields (TX)	Martinez	Thompson

Thornberry	Vucanovich	White
Thornton	Walker	Whitfield
Thurman	Walsh	Wicker
Tiahrt	Wamp	Wilson
Torkildsen	Ward	Wise
Torricelli	Watts (OK)	Wolf
Traficant	Weldon (FL)	Young (AK)
Visclosky	Weldon (PA)	Young (FL)
Volkmer	Weller	Zeliff

NOT VOTING—8

Bilbray	Hayes	Norwood
de la Garza	Lincoln	Schumer
Gillmor	McDade	

□ 1639

Mr. ROYCE and Mr. JOHNSON of South Dakota changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SCHUMER. Mr. Chairman, during roll-call vote No. 242 on H.R. 3610, I was unavoidably detained. Had I been present, I would have voted "aye."

The CHAIRMAN. Are there any other amendments to title IV?

If not, the Clerk will read.

The Clerk read as follows:

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE BUSINESS OPERATIONS FUND

For the Defense Business Operations Fund; \$947,900,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs (including the development and acquisition of lighterage), projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744); \$1,904,002,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive these restrictions on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That of the funds appropriated in this paragraph, \$781,000,000 shall not be obligated or expended until authorized by law.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law;

\$9,667,658,000, of which \$9,398,188,000 shall be for Operation and maintenance, of which not to exceed three percent shall remain available until September 30, 1998; and of which \$269,470,000, to remain available for obligation until September 30, 1999, shall be for Procurement: *Provided*, That notwithstanding any other provision of law, of the funds provided under this heading, the Secretary of Defense is directed to use and obligate, within thirty days of enactment of this Act, not less than \$3,400,000 only to permit private sector or non-Federal physicians who have used and will use the antibacterial treatment method based upon the excretion of dead and decaying spherical bacteria to work in conjunction with the Walter Reed Army Medical Center on a treatment protocol and related studies for Desert Storm Syndrome affected veterans.

CHEMICAL, AGENTS AND MUNITIONS
DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$799,847,000, of which \$477,947,000 shall be for Operation and maintenance, \$273,600,000 shall be for Procurement to remain available until September 30, 1999, and \$48,300,000 shall be for Research, development, test and evaluation to remain available until September 30, 1998.

DRUG INTERDICTION AND COUNTER-DRUG
ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation; \$774,724,000: *Provided*, That the funds appropriated by this paragraph shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act: *Provided further*, That of the funds appropriated in this paragraph, \$92,000,000 shall not be obligated or expended until authorized by law.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended; \$138,501,000, of which \$136,502,000 shall be for Operation and maintenance, of which not to exceed \$400,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on his certificate of necessity for confidential military purposes; and of which \$2,000,000, to remain available until September 30, 1999, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT
AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for

continuing the operation of the Central Intelligence Agency Retirement and Disability System; \$196,400,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account; \$149,555,000.

PAYMENT TO KAHOLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law; \$10,000,000, to remain available until expended.

Mr. YOUNG of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title V, title VI and title VII be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. Are there any amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with

the approval of the Office of Management and Budget, transfer not to exceed \$2,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds and the "Foreign Currency Fluctuations, Defense" and "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services shall be available for payments to physicians and other non-institutional health care providers in excess of the amounts allowed in fiscal year 1996 for similar services, except that: (a) for services for which the Secretary of Defense determines an increase is justified by economic circumstances, the allowable amounts may be increased in accordance with appropriate economic index data similar to that used pursuant to title XVIII of the Social Security Act; and (b) for services the Secretary determines are overpriced based on allowable payments under title XVIII of the Social Security Act, the allowable amounts shall be reduced by not more than 15 percent (except that the reduction may be waived if the Secretary determines that it would impair adequate access to health care services for beneficiaries). The Secretary shall solicit public comment prior

to promulgating regulations to implement this section. Such regulations shall include a limitation, similar to that used under title XVIII of the Social Security Act, on the extent to which a provider may bill a beneficiary an actual charge in excess of the allowable amount.

SEC. 8009. None of the funds provided in this Act shall be available to initiate (1) a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000, or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year, unless the congressional defense committees have been notified at least thirty days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

- Javelin missiles;
- Army Tactical Missile System (ATACMS);
- MK19-3 grenade machine guns;
- M16A2 rifles;
- M249 Squad Automatic Weapons;
- M4 carbine rifles; and
- M240B machine guns.

SEC. 8010. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8011. (a) During fiscal year 1997, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 1998 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1998 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 1998.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8012. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the fifty United States, its territories, and the District of Columbia, 125,000 civilian workyears: *Provided*, That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further*, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 3015(c) of title 38, United States Code, for any member of the armed services who, on or after the date of enactment of this Act—

(1) enlists in the armed services for a period of active duty of less than three years; or

(2) receives an enlistment bonus under section 308a or 308f of title 37, United States Code,

nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided*, That in the case of a member covered by clause (1), these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense: *Provided further*, That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this op-

tion prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8015. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of enactment of this Act, is performed by more than ten Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent Native American ownership.

(TRANSFER OF FUNDS)

SEC. 8016. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protégé Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protégé Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8017. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8018. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic

interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for the handicapped under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8019. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8020. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by Executive Agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided*, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further*, That the Department of Defense's budget submission for fiscal year 1998 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further*, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further*, That each such Executive Agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate thirty days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8021. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, or M-1911 pistols.

SEC. 8022. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 percent of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

SEC. 8023. None of the funds appropriated by this Act shall be available for payments under the Department of Defense contract with the Louisiana State University Medical Center involving the use of cats for Brain Missile Wound Research, and the Department of Defense shall not make payments under such contract from funds obligated prior to the date of the enactment of this Act, except as necessary for costs incurred by the contractor prior to the enactment of this Act: *Provided*, That funds necessary for

the care of animals covered by this contract are allowed.

SEC. 8024. None of the funds provided in this Act or any other Act shall be available to conduct bone trauma research at any Army Research Laboratory until the Secretary of the Army certifies that the synthetic compound to be used in the experiments is of such a type that its use will result in a significant medical finding, the research has military application, the research will be conducted in accordance with the standards set by an animal care and use committee, and the research does not duplicate research already conducted by a manufacturer or any other research organization.

SEC. 8025. No more than \$500,000 of the funds appropriated or made available in this Act shall be used for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and Senate that such a relocation is required in the best interest of the Government.

SEC. 8026. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5 or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under section 331, 332, 333, or 12406 of title 10, or other provision of law, as applicable, or

(B) full-time military service for his State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, and such leave shall be considered leave under section 6323(b) of title 5.

SEC. 8027. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of twenty-four months after initiation of such study with respect to a single function activity or forty-eight months after initiation of such study for a multi-function activity.

SEC. 8028. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8029. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian

employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8030. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8031. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46-48).

SEC. 8032. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8033. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed \$350,000,000 for purposes specified in section 2350(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriation or fund which incurred such obligations.

SEC. 8034. Of the funds made available in this Act, not less than \$22,700,000 shall be available for the Civil Air Patrol, of which \$15,426,000 shall be available for Operation and Maintenance.

SEC. 8035. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense Federally Funded Research and Development Center (FFRDC), either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) LIMITATION ON COMPENSATION.—No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, may be compensated for his or her services as a member of such entity, or as a paid consultant, except under the same conditions, and to the same extent, as members of the Defense Science Board: *Provided*, That a member of any such entity referred to previously in this

subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the Department of Defense from any source during fiscal year 1997 may be used by a defense FFRDC, through a fee or other payment mechanism, for charitable contributions, for construction of new buildings, for payment of cost sharing for projects funded by government grants, or for absorption of contract overruns.

SEC. 8036. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of enactment of this Act.

SEC. 8037. For the purposes of this Act, the term "congressional defense committees" means the National Security Committee of the House of Representatives, the Armed Services Committee of the Senate, the subcommittee on Defense of the Committee on Appropriations of the Senate, and the subcommittee on National Security of the Committee on Appropriations of the House of Representatives.

SEC. 8038. Notwithstanding any other provision of law, during the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8039. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement

memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 1997. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8040. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

SEC. 8041. During the current fiscal year and hereafter, voluntary separation incentives payable under 10 U.S.C. 1175 may be paid in such amounts as are necessary from the assets of the Voluntary Separation Incentive Fund established by section 1175(h)(1).

(INCLUDING TRANSFER OF FUNDS)

SEC. 8042. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2) (A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8043. During the current fiscal year, appropriations available to the Department of Defense may be used to reimburse a member of a reserve component of the Armed Forces who is not otherwise entitled to travel and transportation allowances and who occupies transient government housing while performing active duty for training or inactive duty training: *Provided*, That such members may be provided lodging in kind if transient government quarters are unavailable as if the member was entitled to such allowances under subsection (a) of section 404 of title 37, United States Code: *Provided further*, That if lodging in kind is provided, any authorized service charge or cost of such lodging may be paid directly from funds appropriated for operation and maintenance of the reserve component of the member concerned.

SEC. 8044. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the Defense Agencies.

SEC. 8045. During the current fiscal year, amounts contained in the Department of De-

fense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8046. During the current fiscal year and hereafter, annual payments granted under the provisions of section 4416 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-428; 106 Stat. 2714) shall be made from appropriations in this Act which are available for the pay of reserve component personnel.

SEC. 8047. Of the funds appropriated or otherwise made available by this Act, not more than \$119,200,000 shall be available for payment of the operating costs of NATO Headquarters: *Provided*, That the Secretary of Defense may waive this section for Department of Defense support provided to NATO forces in and around the former Yugoslavia.

SEC. 8048. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than \$100,000.

SEC. 8049. During the current fiscal year and hereafter, appropriations available for the pay and allowances of active duty members of the Armed Forces shall be available to pay the retired pay which is payable pursuant to section 4403 of Public Law 102-484 (10 U.S.C. 1293 note) under the terms and conditions provided in section 4403.

SEC. 8050. (a) During the current fiscal year, none of the appropriations or funds available to the Defense Business Operations Fund shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Defense Business Operations Fund if such an item would not have been chargeable to the Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 1998 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1998 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 1998 procurement appropriation and not in the supply management business area or any other area or category of the Defense Business Operations Fund.

SEC. 8051. None of the funds provided in this Act shall be available for use by a Military Department to modify an aircraft, weapon, ship or other item of equipment, that the Military Department concerned plans to retire or otherwise dispose of within five years after completion of the modification: *Provided*, That this prohibition shall not apply to safety modifications: *Provided further*, That this prohibition may be waived by the Secretary of a Military Department if the Secretary determines it is in the best national security interest of the United States to provide such waiver and so notifies the congressional defense committees in writing.

SEC. 8052. None of the funds appropriated by this Act for programs of the Central In-

telligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 1998.

SEC. 8053. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8054. (a) HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM.—Of the funds appropriated in this Act under the heading "Procurement, Defense-Wide", \$143,235,000 shall be made available for the High Performance Computing Modernization Program (referred to in this section as the "program"). Of the funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide", \$61,380,000 shall be made available for the program. Of the total funds made available for the program pursuant to this subsection, \$20,000,000 shall be for the Army High Performance Computing Research Center.

(b) IMPLEMENTATION OF PROGRAM.—The procurement funds made available for the program pursuant to subsection (a) shall be used only for the procurement of computer hardware and ancillary equipment for the high performance computing facilities of the Department of Defense.

(c) ANNUAL PUBLICATION OF PROGRAM PLANS.—Hereafter, the Secretary of Defense shall annually prepare, and make available to the public, an updated and unclassified program plan and program implementation plan.

(d) REDUCTION OF ACQUISITION DELAYS.—Hereafter, the Secretary of Defense shall take such actions as may be necessary to minimize delays in the acquisition of computer hardware under the program.

SEC. 8055. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986 and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

SEC. 8056. None of the funds appropriated in this Act may be used to fill the commander's position at any military medical facility with a health care professional unless the prospective candidate can demonstrate professional administrative skills.

SEC. 8057. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8058. None of the funds appropriated by this Act shall be available for a contract for studies, analyses, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work, or

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source, or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than \$25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8059. Funds appropriated by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 1997 until the enactment of the Intelligence Authorization Act for fiscal year 1997.

SEC. 8060. (a) None of the funds made available by this Act may be obligated for design, development, acquisition, or operation of more than 47 Titan IV expendable launch vehicles, or for satellite mission-model planning for a Titan IV requirement beyond 47 vehicles.

(b) \$59,600,000 made available in this Act for Research, Development, Test and Evaluation, Air Force, may only be obligated for development of a new family of medium-lift and heavy-lift expendable launch vehicles evolved from existing technologies.

SEC. 8061. None of the funds available to the Department of Defense in this Act may be used to establish additional field operating agencies of any element of the Department during fiscal year 1997, except for field operating agencies funded within the National Foreign Intelligence Program: *Provided*, That the Secretary of Defense may waive this section by certifying to the House and Senate Committees on Appropriations that the creation of such field operating agencies will reduce either the personnel and/or financial requirements of the Department of Defense.

SEC. 8062. Notwithstanding any other provision of law, for resident classes entering the war colleges after September 30, 1997, the Department of Defense shall require that not less than 20 percent of the total of United States military students at each war college shall be from military departments other than the hosting military department: *Provided*, That each military department will

recognize the attendance at a sister military department war college as the equivalent of attendance at its own war college for promotion and advancement of personnel.

SEC. 8063. None of the funds provided in this Act may be obligated for payment on new contracts on which allowable costs charged to the government include payments for individual compensation at a rate in excess of \$250,000 per year.

SEC. 8064. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8065. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8066. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: *Provided*, That during the performance of such duty, the members of the National Guard shall be under State command and control: *Provided further*, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602 (a)(2) and (b)(2) of title 10, United States Code.

SEC. 8067. Funds appropriated in this Act for operation and maintenance of the Military Departments, Unified and Specified Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence support to Unified Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the General Defense Intelligence Program and the Consolidated Cryptologic Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8068. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 1996 level.

SEC. 8069. All refunds or other amounts collected in the administration of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be credited to current year appropriations.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8070. None of the funds appropriated in this Act may be transferred to or obligated from the Pentagon Reservation Maintenance Revolving Fund, unless the Secretary of Defense certifies that the total cost for the planning, design, construction and installation of equipment for the renovation of the Pentagon Reservation will not exceed \$1,218,000,000.

SEC. 8071. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other

department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8072. Appropriations available in this Act under the heading "Operation and Maintenance, Defense-Wide" for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8073. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8074. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8075. None of the funds appropriated by this Act shall be available to lease or charter a vessel in excess of seventeen months (inclusive of any option periods) to transport fuel or oil for the Department of Defense if the vessel was constructed after October 1, 1995 unless the Secretary of Defense requires that the vessel be constructed in the United States with a double hull under the long-term lease or charter authority provided in section 2401 note of title 10, United States Code: *Provided*, That this limitation shall not apply to contracts in force on the date of enactment of this Act: *Provided further*, That by 1997 at least 20 percent of annual leases and charters must be for ships of double hull design constructed after October 1, 1995 if available in numbers sufficient to satisfy this requirement: *Provided further*, That the Military Sealift Command shall plan to achieve the goal of eliminating single hull ship leases by the year 2015.

SEC. 8076. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by \$500,000,000 to reflect savings from reduced carryover of activities funded through the Defense Business Operations Fund, to be distributed as follows: "Operation and Maintenance, Army", \$60,000,000; and "Operation and Maintenance, Navy", \$440,000,000.

SEC. 8077. During the current fiscal year, the Army shall use the former George Air Force Base as the airfield for the National Training Center at Fort Irwin: *Provided*, That none of the funds in this Act shall be

obligated or expended to transport Army personnel into Edwards Air Force Base for training rotations at the National Training Center.

SEC. 8078. (a) The Secretary of Defense shall submit, on a quarterly basis, a report to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate setting forth all costs (including incremental costs) incurred by the Department of Defense during the preceding quarter in implementing or supporting resolutions of the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, and humanitarian missions undertaken by the Department of Defense. The quarterly report shall include an aggregate of all such Department of Defense costs by operation or mission.

(b) The Secretary of Defense shall detail in the quarterly reports all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.

SEC. 8079. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—(1) This section applies to—

(A) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(B) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8080. None of the funds available to the Department of Defense shall be obligated or expended to make a financial contribution to the United Nations for the cost of an United Nations peacekeeping activity (whether pursuant to assessment or a voluntary contribution) or for payment of any United States arrearage to the United Nations.

SEC. 8081. None of the funds available to the Department of Defense under this Act

shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8082. The amount otherwise provided by this Act for "Operation and Maintenance, Air Force" is hereby reduced by \$195,000,000, to reflect a reduction in the passthrough to the Air Force business areas of the Defense Business Operations Fund.

SEC. 8083. None of the funds provided in title II of this Act for "Former Soviet Union Threat Reduction" may be obligated or expended to finance housing for any individual who was a member of the military forces of the Soviet Union or for any individual who is or was a member of the military forces of the Russian Federation.

SEC. 8084. Beginning in fiscal year 1997 and thereafter, and notwithstanding any other provision of law, fixed and mobile telecommunications support shall be provided by the White House Communications Agency (WHCA) to the United States Secret Service (USSS), without reimbursement, in connection with the Secret Service's duties directly related to the protection of the President or the Vice President or other officer immediately next in order of succession to the office of the President at the White House Security Complex in the Washington, D.C. Metropolitan Area and Camp David, Maryland. For these purposes, the White House Security Complex includes the White House, the White House grounds, the Old Executive Office Building, the New Executive Office Building, the Blair House, the Treasury Building, and the Vice President's Residence at the Naval Observatory: *Provided*, That funds made available to the WHCA (or any successor agency) for support services for the President from funds appropriated for the Department of Defense for any fiscal year (beginning with fiscal year 1997) may be used only for the provision of telecommunications support to the President and Vice President and related elements (as defined in regulations of that agency and specified by the President with respect to particular individuals within those related elements).

SEC. 8085. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior year, and the one percent limitation shall apply to the total amount of the appropriation.

SEC. 8086. During the current fiscal year, and notwithstanding 31 U.S.C. 1552(a), funds appropriated under the heading "Aircraft Procurement, Air Force" in Public Laws 102-172 and 102-396 which were available and obligated for the B-2 aircraft program shall remain available for expenditure and for adjusting obligations for such program until September 30, 2002.

SEC. 8087. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to one percent of the total appropriation for that account.

SEC. 8088. During the current fiscal year the Marine Security Guard Program shall be administered under the terms and conditions of the March 29, 1994 Memorandum of Understanding between the Department of Defense and the Department of State concerning such program and the Department of State shall continue to pay, or provide reimbursement for, Marine Security Guard costs which are the responsibility of the State Department under the provisions of such Memorandum.

SEC. 8089. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by \$350,000,000 to reflect savings from improved management of spare and repair parts inventories of the Department of Defense, to be distributed as follows: "Operation and Maintenance, Army", \$91,000,000; "Operation and Maintenance, Navy", \$32,600,000; and "Operation and Maintenance, Air Force", \$226,400,000.

SEC. 8090. Notwithstanding any other provision of law, the Air Force shall not introduce any new supplier for the remaining production units for the AN/ALE-47 Countermeasure Dispenser System.

SEC. 8091. In applying section 9005 of the Department of Defense Appropriations Act, 1993 (Public Law 102-396)—

(1) synthetic fabric and coated synthetic fabric shall be deemed to include synthetic fiber and yarn and their products; and

(2) such section shall (notwithstanding section 34 of Public Law 93-400) be treated as being applicable to contracts and subcontracts for the procurement of commercial items that are articles or items, specialty metals, or tools covered by that section 9005.

SEC. 8092. TRADE-OFF STUDY OF CURRENT AND FUTURE DEEP-STRIKE CAPABILITIES.—

(1) The Secretary of Defense shall carry out the deep-strike tradeoff study announced by the President to study tradeoffs between bombers, land and sea-based tactical aircraft, and missiles capable of striking targets in an enemy's rear area.

(2) The Secretary of Defense shall establish an ad hoc review committee under the auspices of the Defense Science Board to establish the methodological approach to the tradeoff study, to establish a broad range of stressing scenarios of interest, and to review assumptions regarding the analyses to be conducted.

(3) The ad hoc review committee to be established under paragraph (2) shall include

among its members analysts who have performed or participated in bomber trade-off analysis, retired military personnel with broad experience in recent conventional warfare operations, and experts on the logistics of both initial deployment and sustaining support. These members shall be selected without regard for current service on the Defense Science Board.

(4) After submitting its recommendations for the conduct of the deep-strike tradeoff study to the Secretary of Defense, the ad hoc review committee shall continue to meet regularly to review preliminary results of the analysis and to recommend additional variations in assumptions that may be required to illuminate particular force trade-off issues.

SEC. 8093. TACTICAL AIRCRAFT REQUIREMENT STUDY.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall carry out a joint study under the direct supervision of the Joint Requirements Oversight Council (JROC) assessing future tactical aircraft requirements across service jurisdictions. This study shall determine the best and most affordable mix of weapon systems to carry out different mission areas and shall include recommendations for changes to the planned numbers and types of tactical aircraft to be developed and procured over the next ten years if appropriate. Such report shall be submitted to the Congressional defense committees no later than March 30, 1997.

SEC. 8094. (a) CONSIDERATION OF PERCENTAGE OF WORK PERFORMED IN THE UNITED STATES.—None of the funds available to the Department of Defense under this Act may be obligated or expended to evaluate sealed bids and competitive proposals for a contract for the procurement of property or services except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) a factor in such evaluation is the percentage of work under the contract that the bidder or offeror plans to perform in the United States; and

(2) a high importance is assigned to such factor.

(b) BREACH OF CONTRACT FOR TRANSFERRING WORK OUTSIDE THE UNITED STATES.—None of the funds available to the Department of Defense under this Act may be obligated or expended to procure property or services except when it is made known to the Federal official having authority to obligate or expend such funds that each contract for the procurement of property or services includes a clause providing that the contractor is deemed to have breached the contract if the contractor performs less work in the United States than the contractor stated, in its response to the solicitation for the contract, that it planned to perform in the United States.

(c) INELIGIBILITY FOR CONTRACT RENEWAL.—(1) None of the funds available to the Department of Defense under this Act may be obligated or expended to renew a covered contract when it is made known to the Federal official having authority to obligate or expend such funds that the amount of work performed outside the United States under the covered contract exceeded the maximum amount of work that the contractor was expected to perform outside the United States, based on the amount of work that the contractor stated, in its response to the solicitation for the contract, that it planned to perform inside the United States.

(2) For purposes of this section, a covered contract is a contract for the procurement of

property or services that is made pursuant to a solicitation described in subsection (a).

(d) WAIVER.—Subsections (a), (b), and (c) shall not apply with respect to funds available to the Department of Defense under this Act when it is made known to the Federal official having authority to obligate or expend such funds that an emergency situation or the national security interests of the United States requires the obligation or expenditure of such funds.

(e) EXCEPTION FOR CONTRACTS BELOW SIMPLIFIED ACQUISITION THRESHOLD.—This section does not apply to contracts for amounts not greater than the simplified acquisition threshold (as specified in section 2302(7) of title 10, United States Code).

(f) EFFECTIVE DATE.—This section shall apply with respect to contracts entered into more than 60 days after the date of the enactment of this Act.

Mr. YOUNG of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title VII through page 87, line 3, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. Are there any amendments to that portion of the bill?

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Obey: Page 87, after line 3, insert the following new section:

PROHIBITION AGAINST UNNEEDED AND HIGH COST ACQUISITIONS

SEC. 8095. None of the funds in this Act may be made available for any acquisition program, project or activity under Title III of this Act (except under the appropriation "National Guard and Reserve Equipment") if it is made known to the Federal official having authority to obligate or expend such funds that such acquisition—

(a) has no documented military requirement under established Department of Defense procedures; and

(b) has a cost per job created of more than \$100,000 according to documentation submitted to the staff of the House National Security Committee by the military services.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the amendment.

Mr. OBEY. Mr. Chairman, I have in my hand, as Senator McCarthy from my home State used to say, a pork barrel catalog. What happened this year is that the authorizing committee asked the various services at the Pentagon to prepare a list of projects in the authorization bill, by Member of Congress, indicating what the economic impact would be for each of the items in the bill in each Member's congressional district.

□ 1645

They were also asked to estimate how many jobs were created by the projects in each Member's congressional district. Again, there is nothing wrong with that. But what this amend-

ment says is very simple, and I offer it with absolutely no expectation it will be adopted because I understand how much pressure there is on this bill.

But nonetheless, the amendment says something very simple: It simply says if there is a project in this bill and if the military says it has no military value, that it has no documented military requirement under their formal mission needs statement process, and, second, if it is so extremely high in cost, as defined by this pork catalog put together by the national security authorizing committee, that the cost per job of that project would exceed \$100,000, then we should not do it. That is all it says.

The CHAIRMAN. Does the gentleman from Florida [Mr. YOUNG] insist on his point of order?

Mr. YOUNG of Florida. Mr. Chairman, I withdraw my reservation of the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to this amendment.

I do so mainly because we are having a hard time figuring out what the amendment would really do or what the effect of this amendment would be. The way it is written, it is hard to figure that out.

I do not know what this means, who establishes what, whether he is talking about by law, by regulation, by policy. We have no idea what the list is that he is waving around over there, the list of projects that are so-called pork projects. This could be very disruptive of this entire legislation which has been crafted with great sensitivity.

But I want to make this point, and I wish the gentleman would listen. I have discussed it with him before. When the members of this committee sat down to prepare this bill to present to the committee, the full committee and to the House, we were extremely cautious. We applied a number of tests.

One is, does whatever is going into this bill have an application to our national defense, national security or quality of life for our military forces?

No. 2, is there a requirement for it?

And, No. 3, how do we do it, if it should be done, in the most cost-effective way?

I can assure the gentleman from Wisconsin that nothing in the bill that we present today is going to fall into any category of being a political addition for some Member of Congress or for some contractor. We have been extremely careful not to do that. I say that to the gentleman with all sincerity. He has waved this little booklet around before. I do not know what is in it and I do not know where it came from. We certainly never asked for any information of this type.

I would have to oppose the amendment at this time.

Mr. MURTHA. Mr. Chairman, I move to strike the last word and in opposition to the amendment.

Mr. Chairman, this sounds like a good government amendment and we always try to accommodate Members, but on the other hand we make sure that it is something that the services need, something that is important to the services, before we accept any amendment.

This amendment is so widespread, and I understand the point he is making. We certainly never ask where the jobs come from, we do not ask whose district creates how many jobs. We ask what is military implication, how does it apply to the threat, how important it is to our national security. That is what we ask when we are doing any kind of amendment to the bill.

I would ask the gentleman to give us an opportunity to study this. This is the first we have seen it. I have to oppose this as it is now. Maybe we can work something like this out in the bill, if the gentleman would give us an opportunity to take a look at this thing and work it out as we move to conference.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Washington.

Mr. DICKS. I concur with the gentleman. I think we should try to work with the gentleman from Wisconsin [Mr. OBEY]. But the one thing I do worry about is sometimes there are occasions when Congress says we want them to build something or buy something.

I remember the SL-7 incident where the Navy steadfastly said, "We don't need to have these fast sealift ships" and Congress said, "Yes, you must buy them." They probably did not have a mission statement or something like that. Therefore, we would have not gotten the ships that were absolutely essential to moving the forces out to the gulf.

I worry that without knowing the implications of this or having talked to the Pentagon about this, and I do not believe this amendment was offered either in the subcommittee or in the full committee where we would have had an opportunity to really take a look at it.

I would not forgo the opportunity of trying to work something out with the gentleman, but I think this is very dangerous when we do not know the full implications.

Mr. MURTHA. Mr. Chairman, I would ask if the gentleman would withdraw this, give us an opportunity to look at this amendment, see what the gentleman is trying to do, and see if we cannot work something out.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment.

Mr. Chairman, I want to address my friend from Wisconsin who has held

that list up, which incidentally I have not seen yet, but I as the chairman of the procurement subcommittee in National Security requested the information from DOD that the gentleman has in that book. I am the guy that asked for that information. Although I have not yet received my copy of the book, I am glad he has got it.

But let me just say, Mr. Chairman, that we put a request together after we had held extensive hearings, after all the services had come in, after the services made their requests for what they needed, and the chiefs of the services requested some \$15 billion in additional modernization above and beyond what President Clinton presented for them in his budget. When they did that, we held extensive hearings. We had 3 major themes. One of our themes was first to give enough ammo to the troops so they could carry out the two-MRC scenario. We plugged up the ammo accounts with the Marines and with the Army. We put in precisely, in those ammunition accounts, what they asked for.

Second, we wanted to arm the bombers with precision-guided munitions because we have no precision-guided munitions to speak of in our bomber force today. We put that together.

Third, we had hearings on aviation safety. After the crashes of the F-14s and the AV-8Bs, we said to the Navy and the Marine Corps, "What do you need to make your planes safer?" They said, "Here it is" and we went down from there and asked the services to give us their request. When they gave us their requests, the bill that we built was 95 percent, in the additions, 95 percent consistent with what was requested by the services. In some cases, I believe the Navy, it was as high as 99 percent requested.

Having said that, at the same time I thought that it was important, since our President was going to places like California and standing before all the McDonnell Douglas workers and saying, "My defense bill means jobs," that they should have additional information, the rest of the story.

The rest of the story is that while the President's bill might mean jobs, so did the bill that we were putting together in the Armed Services Committee. So I asked our staff to put together the number of businesses and the number of jobs that would be increased in the defense plus-up that is manifest in the bill before us today. We wanted that to be put together by the same gentlemen who put together the President's brag sheet that he was using at McDonnell Douglas in California and other places.

That is a fact. It is a fact that defense spending is different from foreign aid spending, for example, in that it does produce jobs in the defense industrial base and the Members of this House have a right to know what that is. But if the gentleman is implying

that somehow we put together a list after we had gone through and analyzed districts, that is absolutely wrong.

The chairman of the full committee said the most important thing we have got here is what the services want. He asked the services to go on record. They went on record. We gave them what they asked for. For example, in the ammunition account, and the gentleman from Wisconsin [Mr. OBEY] mentioned a few items himself to me that were important items, we looked at some of those items, and some of them we were responsive to the request because he was right, the services did not need them. So we did precisely what the services needed.

In the ammo account, for example, every single "T" that was crossed and "I" that was dotted in type of munition was given that was requested by the Marine Corps or by the Army. There is nothing inappropriate about that list. I would be happy to take a look at it.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the only thing I would say to the gentleman is that the President went out to California, but what he was out there talking about is a program that enjoys bipartisan support in the House of Representatives, and that is the C-17, unquestioned military value. They had some problems producing it for several years, but they finally got their act together and it is now a very good aircraft. I think we have got to be careful here in trying to justify defense expenditures based on companies and jobs. If we start doing that, I think we get into the public works scam.

Mr. HUNTER. If I could take back my time, I agree with the gentleman, but I think it is also important to have the facts on the table. The facts on the table, according to the report I have gotten back, is the increase in defense expenditures we put in this year, along with making the country more secure, provides an additional 200,000 plus jobs above and beyond the level that the President was talking about in California.

I think it is important to have a complete record, and I might remind my friend that the President did not make that speech to the Joint Chiefs of Staff or to a security group. He made it to workers who were concerned about their jobs. He was plainly making a pitch to aerospace workers to the effect that the Clinton administration is going to maintain aerospace jobs. We say fine. We would also like to put on the record exactly how many jobs are created by this defense bill.

Mr. MINGE. Mr. Chairman, I move to strike the requisite number of words and in support of the amendment that has been offered.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. MINGE. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding.

Mr. Chairman, let me simply say that I will simply repeat what the amendment does, because I do not know how else to make clear that it is so simple. What this amendment says is that if there is a project in the bill which has no documented military requirement under their formal mission needs statement process, and if any project is so high in cost per job that it exceeds \$100,000 per job as defined by this project which was requested by the House authorizing committee, that they simply not proceed with the project. That is all it says.

I make no value judgment about anyone's project in this bill. This applies to all procurement except Guard and Reserve. All I am saying is that if there is no mission needs statement for the project in question, and when they total up the total number of jobs created by the project and divide it into the total number of dollars for the project, if that cost exceeds \$100,000 per job, they do not go ahead with it. It seems to me that that is a rational thing to do.

I did not ask each service to provide this information. The gentleman did. I have a copy of a letter from the Navy to a person who I believe is his staffer, Mr. Steve Thompson, dated May 13, transmitting this information, so he knows as much about it as I do.

Mr. MINGE. Mr. Chairman, I would like to support the amendment that has been offered. What we have here is a commonsense proposal. There is concern that common sense if applied to the defense budget might result in some untoward conclusion.

Certainly we ought to let this proceed as proposed. If indeed there is something that the Defense Department has not been able to justify that is in the bill, that should be justified, I suggest that there is ample opportunity in the conference committee process or in the Senate for the Defense Department to identify this.

But it certainly does not make sense for the United States House of Representatives to be appropriating billions of dollars or millions of dollars, whatever it may be, for military expenditures that the Defense Department has not said are necessary. I cannot overemphasize this. Here we are, one day after we have passed a budget resolution which increases the Federal deficit from the fiscal 1996 to the fiscal 1997 years. This is an amazing result, that the majority in this body would increase the deficit when we are trying to eliminate the deficit. This amendment is but one humble way to try to achieve that conclusion.

□ 1700

Mr. EVERETT. Mr. Speaker I move to strike the requisite number of words.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. EVERETT. I yield to the gentleman from California, the chairman of the procurement committee.

Mr. HUNTER. Mr. Chairman, I thank my friend for getting this time for me.

Let me just say that under the formula that the gentleman from Wisconsin has offered, that if a job, if a particular defense job amounts to \$100,000 or more per job, and if it is not requested by the services that it should not be authorized and appropriated, let me just suggest that under the formula he has offered the F-117 stealth aircraft would not be with us in the numbers it is with us today because of the fact that program was put forth by Congress over the objections of the administration and because it is such a high-tech program it cost a lot per job.

But that aircraft did much more work in the Desert Storm operation than any of the conventional aircraft. It had stealth capability. It was highly valuable. So we have a very arbitrary equation that the gentleman has tried to stick in in an attempt to embarrass the Committee on National Security, and I am just here to tell the gentleman we took requests from all the services. We had \$15 billion in requests on system; over 95 percent commonality of the additional spending was in fact spending that was requested by the services, and ultimately we only put in about \$6 billion in additional funds in modernization.

So the services requested \$15 billion, far more than we put in, we put in about \$6 billion, and our budget was put together before that analysis was done. We put the budget together and we said we want to do the same thing the President does, we want you to tell us how many jobs are in our budget just like he goes out and talks about how many jobs are in his budget.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. EVERETT. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I would ask the gentleman if it is true if there was such an expenditure, that the administration, the Defense Department, could seek a rescission on it under current law. Is that not correct?

Mr. HUNTER. Mr. Chairman, if the gentleman will continue to yield, absolutely.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. EVERETT. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, what level would the gentleman from California feel is appropriate?

Mr. HUNTER. Mr. Chairman, if the gentleman will continue to yield, first,

here is what is appropriate to this gentleman. What is appropriate to this gentleman is to put in the Armed Services bill what we need to defend the country. That means we hold hearings like the ones we had on aircraft safety, on Army and Marine ammo, on the needs of the Navy, on the needs of the bomber force, and we put together a bill that we think does that. And sometimes, as in the case of the F-117, Congress is right and the Pentagon is wrong.

When we said we need F-117's, they said, no, you can kill the program now. We said, no, we need them. So we do not always agree. But the idea the gentleman has put forth that the Pentagon is always right and that Congress cannot have any different idea about a weapon system, so if we are off 1 percent, we are wrong, I think the idea the gentleman puts forth is highly invalid.

I am telling the gentleman again, the increases we put together were 95 percent requested by the Army, the Air Force, and the Marines.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. EVERETT. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I just hope we can come to a vote here because we are trying to get this thing over. A lot of people have commitments and so forth, and I just wonder if we could not get a vote here.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. EVERETT. I yield to the gentleman from Florida, the chairman.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding.

I want to give one example of why I am concerned about this amendment, since we really have not had a chance to totally understand its effect: The tragedy of Secretary Ron Brown flying in an OSA aircraft into Croatia, losing his life and that of the crew and those with him, because the aircraft did not have certain types of safety equipment, including global positioning systems.

Now, in this bill we provide money to outfit that fleet with GPS, a safety upgrade. Now, is that documented by something in the service? Did the Air Force ask for it? No. But we put it in and we think it is a good add.

I just think we really need to know who would do the documentation, how will they do the documentation. I think there are too many questions unanswered in this, and I am like the gentleman from Pennsylvania [Mr. MURTHA], I would like to move along. Maybe we can address this in conference.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. EVERETT. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. I thank my friend for yielding.

I do not know whether this amendment applies to, for instance, the \$200 million that we have put in the bill, the defense bill in the past, for breast cancer research. Is that part of the documentation for job creation that the gentleman is trying to get at? Is that one of the items we will use this criteria against in terms of jobs?

And my second point is what do we mean by job creation? Does that mean subcontracting job and sub-subcontracting job? There is so much ambiguity here it is very difficult to understand what we are voting on.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. EVERETT] has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. EVERETT was allowed to proceed for 1 additional minute.)

Mr. EVERETT. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply like to make the point that on the item that the gentleman mentioned in connection with Secretary Brown there is, in fact, a request from the Pentagon on that point, and that would not be covered by this amendment.

Mr. EVERETT. Mr. Chairman, reclaiming my time, I urge a "no" vote against this strictly political amendment.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The gentleman from Wisconsin is correct, Mr. Perry changed the requirement just a few days ago, but up to that point they said they do not need this equipment and they did not put it on these planes because of monetary considerations.

If we had the Obey amendment in place, if that had been the policy and Congress had added the money, to fix the problem it might not have been spent. And what bothers me the most is this looks like a line-item veto. Giving the Defense Department the ability to go in and pick out items it does not want and strike them out without Congress having a chance to reconsider it. That is why I think DOD should send up a rescission. If it is as bad as the gentleman from Wisconsin [Mr. OBEY] points out, they should send up a rescission and we should consider it.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, I would make this point to the distinguished ranking member of the Committee on Appropriations. Is he aware that the administration has yet to request one dollar of funding for the Nautilus program, that he has told the Israelis is the highest priority for their national security?

Is the gentleman aware there has been no request for that funding, yet

we in this bill and the authorization bill are taking the lead to provide that funding?

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me simply say I find this discussion highly interesting and entertaining. The fact is that the item mentioned as far as the Commerce Secretary's plane is concerned is a hypothetical with respect to this bill. The Congress never put that money in. This amendment does not apply to something that Congress does not do, it only applies to something Congress does do.

Mr. DICKS. Mr. Chairman, reclaiming my time, Congress thought these planes had the equipment on them. We could not believe the Air Force had not put the equipment on the planes. We gave them directives to do it. We told them to put this equipment on and they refused to do it.

Mr. OBEY. Mr. Chairman, if the gentleman would continue to yield, again, this amendment cannot make up for congressional lack of effectiveness, but this amendment does not attack something Congress has not done.

Mr. DICKS. Mr. Chairman, once again reclaiming my time, I think it is a lack of effectiveness on the part of the Air Force and the Department of Defense for not having put it on in the first place. They should have known, because the equipment is available. They just did not do it for budgetary reasons.

Mr. OBEY. Mr. Chairman, if the gentleman would yield once more, the gentleman from Wisconsin is hardly a Member who always takes the advice of the Pentagon over the services, but I would simply say that this is an honest attempt to try to save some money. For every project the gentleman can point out that might be essential to national interest, I will show you 50 that are straight pork, and I would urge a vote on this amendment.

Mr. DICKS. Mr. Chairman, once again reclaiming my time, I would assume we could again take a look at this list, and I think we should try to cut these things out, if they are unnecessary, in the conference committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote, and pending that, I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MRS. SCHROEDER
Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. SCHROEDER: At the end of the bill (before the short title), add the following new section.

SEC. . The amount of appropriations provided by this Act is hereby reduced by \$6,572,000.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mrs. SCHROEDER. Mr. Chairman, reserving the right to object, we have had many people say they want to speak, but because of the confusion of the scheduling I do not know if they will get here or not. So I am a little troubled about what to do on time.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mrs. SCHROEDER. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, first off, I thought there had been an agreement reached on the 20-minute time limit, is the reason I made the request. If the gentleman would like me to withdraw it, I will do so, but we are attempting, as diligently as we can, to complete this bill this evening, because I know that Members have commitments for tomorrow.

Again, I thought we had an agreement on the 20 minutes.

Mrs. SCHROEDER. Mr. chairman, reclaiming my time, as the gentleman knows, there are three authors to this amendment, and so I hesitate to speak for all three. But I think if we could maybe not put a time limit on this one, it would be helpful. I do not think it will take a tremendous amount of time. I think it is very clear what we are doing, but I just hesitate to shut people off if people do come over.

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman will continue to yield, as I told the gentleman earlier in the discussion of this on the rule, we would not attempt to deny anyone the opportunity to speak, but we would hope that we would get cooperation to continue to expedite the bill as well as we have.

Mr. Chairman, I withdraw my unanimous-consent request.

Mrs. SCHROEDER. Mr. Chairman, the gentleman is indeed a gentleman and has stuck by his word and I appreciate that very, very much.

Members of this body, my amendment is really quite simple. It is different from the one that was in the RECORD because I just amended it to make it in line with the distinguished gentleman from Florida's amendment, the manager's amendment, that did cut

the spending. So what my amendment does now is what it was supposed to do from the very beginning. We have changed the numbers to make sure it is right on point, and that is it lowers the amount of this bill to what was in the blue dog coalition budget. I am one of the people who voted for the coalition budget. I think newspaper editorials all over the country backed the coalition budget and said that this was a very fair number.

What is this number? This number is more than the Defense Department and the President asked for and it is, obviously, less than what is in this bill. This number is what the administration requested plus 3 percent because we care very much and want to guarantee that the pay raise is included.

I think everyone understands one of the most important things for any fighting force is morale, morale, morale, morale, and whatever happens we want to be absolutely assured that we do not end up with a shortfall for the pay raise. So this is the administration plus a guarantee by the 3 percent that there will be money for a pay raise.

Now, that still leaves megabucks and gigabucks in the whole budget. We still end up spending 2.5 times more than all of our adversaries combined and, actually, we spend more than all of our allies combined. And there comes a point when we begin to say how much more money should we throw at this.

I want to back up, however, and remind people of the debate we had yesterday and how difficult it was to get people to vote in the end for that budget, because the budget that was adopted yesterday had a higher deficit than the one that we had this year. Now, if my amendment passes, it would mean that this year's budget deficit would be almost equal to the one that we now have. I mean, next year's budget deficit would be almost equal to the one we have now. We would still be a couple billion more, but it would be down from the budget resolution that was adopted last night.

I think when we look at the coalition budget, when we listen to the cries of civility and a bipartisan approach to these things, this makes an incredible amount of sense. This was the bipartisan attempt to try to come together, and it says we should be spending this money but we also must be sure our personnel do not get squeezed.

Now, if we cannot get a defense budget that will defend this country for that kind of money, we ought to throw in the towel.

□ 1715

Mr. Chairman, we listen every day to debates about children who are not doing as well, so we are going to cut back their school lunches and cut back this person and cut back that. But when it comes to defense it seems no matter what happens, it never ever

transpires that we bring it down. They have been the sacred cows in this whole budget debate. I have pointed out that the British have been affected by the mad cow disease, but this House seems to be affected by the sacred cow disease every time the defense budget comes to the floor. And I think that this amendment that is coauthored by the gentleman from Minnesota [Mr. MINGE] and the gentleman from Oregon [Mr. DEFazio] makes a tremendous amount of sense.

So, Mr. Chairman, I ask everyone who voted for the coalition budget to please stand for what we said we stand for. And I ask every other Member to look at this amendment with an open mind. If Members do not think this is enough, why is it not enough? Why can the Joint Chiefs of Staff and the President not be trusted with a plus-up for 3 percent just in case they are wrong? When we look at how we are treating every other aspect of the budget, chop, chop, chop, chop, chop, and when we realize this is over half of the discretionary spending, half, that we are debating today, we really need to look at this as sensibly and reasonably as everything else.

So, Mr. Chairman, I stand here proudly with my other two coauthors. I certainly hope the body will adopt this amendment. And I think what we will find is that we will be moving forward and it will really help the deficit. It will put next year's budget much more in line this year's.

I urge an "aye" vote on this amendment.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, I have a question to begin with. The gentlewoman said that her amendment would exempt this cut applying to the pay for military. I have read the amendment three or four times now and I do not see any exemption in this amendment to exempt pay for military.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, basically, what I said was it was the figure that was utilized in the coalition budget, which was the administration plus 3 percent. This does not exempt, but what the purpose was, was to make sure that there was adequate pay for the pay raise. We wanted to make sure that that did not come out without being covered.

Mr. YOUNG of Florida. Mr. Chairman, I did not want anyone to misunderstand. This did not exempt anything. This could be across the board. What would it cut? How about the \$475 million that we had to add for medical care that was identified by the Surgeon General, a serious addition that we made that the President did not ask

for; the billion dollars that we added for barracks renovation and real property at bases; \$125 million for breast cancer research and treatment?

Mr. Chairman, all of these things would be gone, because what we would do under her amendment was to allow the Pentagon officials to decide where to make these cuts. The items that I just mentioned were not on the Pentagon's list, so obviously would be on the top of their list to cut.

So I say we should not spend any time on this amendment. We ought to go to a vote and defeat it soundly because it is not workable.

Mr. MINGE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to begin by making a brief comment on the remarks of the distinguished chair of the subcommittee. I do not believe that we are just giving this to the Pentagon to make the decisions and acting irresponsibly in that sense. We certainly have ample opportunity in the conference committee process and at the Senate to deal with this amendment.

Second, I would note that the Chair actually reduced the level of expenditures by \$500 million as a manager's amendment at the outset of the debate today. And certainly this change is parallel to the proposal in that respect.

Mr. Chairman, I would like to direct my comments this afternoon to the Members on both sides of the aisle who voted against the budget resolution last night, because we recognized in that vote that the budget resolution actually increased the deficit for the 1997 fiscal year.

This amendment gives those of us who are uncomfortable with a deficit increase an opportunity to follow through with our concern. The Schroeder-Minge-DeFazio amendment would reduce spending in the Department of Defense appropriations by 6.58 billion. Adoption of our amendment would reduce the deficit to \$146 billion and would eliminate virtually all of the increase in the 1997 deficit that was proposed in the budget resolution. Here we have a chance to redeem ourselves.

This amendment would also eliminate 60 percent of the increased spending above what the administration requested. And I certainly think that it behooves us to listen to the Defense Department and the administration when it comes to defense spending.

Mr. Chairman, we certainly would like to think that wisdom, truth, and justice all resides in this Chamber, but on the other hand we cannot micro-manage an agency of that size. I think that if we exercise good oversight function we have played a critical role, but to determine the exact level of expenditure and then increase it over what the Defense Department has asked I think is irresponsible.

I also am disturbed when I look at the appropriations bill that we considered last night, which was the House

agricultural appropriations bill. We reduced the outlay for the U.S. Department of Agriculture by a very substantial amount over 1996 fiscal year expenditure levels.

It is certainly something that needed to be looked at, and it was done. But at a time when we are at peace with our former enemies in this world, the world war is over, why is it that we need to make an increase in defense spending above what the Pentagon asks, and at the same time cut expenditures in other sectors of our economy?

I submit that this is not responsible budgeting. We certainly ought to treat all sectors of the budget proportionately and appropriately.

Mr. Chairman, I would like to remind every Member that this amendment still allows for an increase in defense spending by \$5 billion over the President's request. I must confess that I am uncomfortable in doing this; however, I am a member of the blue dog coalition and I feel that what we attempted to do in the blue dog coalition report was to strike a balance between what the administration requested and what the Republican leadership is submitting.

I also feel it is only responsible to attempt to avoid a veto. What sense does it make to submit to the President a defense appropriation which he has said he expects to veto and then start the shutdown dance all over again?

We certainly ought to listen to the 19 freshman Republicans who voted to hold the line on the deficit. This is a common sense compromise.

In closing, I would like to call to the attention of the Members of this Chamber this chart, which shows military spending comparisons, U.S. spending versus potential threats.

We are spending approximately 75 percent of this pie, whereas the potential threats to this country are spending approximately 25 percent of this pie.

And when you look at what Russia is getting in Chechnya for its defense expenditures, I think you can see that this comparison is not irrelevant. There is no reason why we need to continue this massive level of expenditures when we find that the potential threats to this country are spending such an insignificant amount.

And I certainly, Mr. Chairman, have a great deal of trust in the Pentagon and defense contractors that the money that we are appropriating is at least as well spent as the money that is being appropriated in those other countries.

Mr. HUNTER. Mr. Chairman, I move to strike the last word.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I think this might be a good time

to address this issue that we heard all last year, and we are hearing it again now, that we are talking about things that the Pentagon does not want. That is not true.

I want to unroll this scroll sometime during the debate, and I am going to show you several thousand items that the Pentagon said they really needed but could not be included in the budget because they had a political number that said they could not go beyond that number.

Here is what Secretary Perry said when he presented the fiscal year 1997 budget. He said:

If there's more money put into the defense budget, I would urge that it be done the same as they did last year, which is not add new program * * * but rather move forward programs that are already in the budget.

That is what I asked them to do last year, when they were putting more money in. And by and large, they did that.

And that is what we did this year. So do not come on the floor and try to tell our colleagues that the military does not need these things or does not want them. They were given an artificial political dollar amount and they had to abide by that. We do not have to abide by that.

Mr. HUNTER. Mr. Chairman, reclaiming my time, I thank the gentleman from Florida for his point, and he makes it so well.

Mr. Chairman, if the gentleman from Minnesota who was just talking would just listen for 1 minute, we added in procurement about \$6 billion to the request that was made by the services. Now, the entire approximately \$40 billion in request that was made by the services, that is about a 70-percent cut under what we used to spend in the Reagan years. That was all requested by the services. So, the base budget that was requested by the services was approved.

We then asked the services, after Mr. Perry said we really need an additional \$20 billion in modernization spending, we then added \$6 billion after we asked the services what they wanted. They came up with a list of \$15 billion. The increased \$6 billion that we added was 95 percent requested by the services.

So if my friend looks at the total procurement bill that we have before us right now, less than 1 percent of that bill is congressional initiatives that were not requested by the services. And I would just ask the gentleman if he listened to the gentleman from Florida [Mr. YOUNG], he listens to the gentleman from Pennsylvania [Mr. MURTHA] and other leaders on the committee. The gentleman says he trusts the Pentagon. Fine. The Pentagon has 99 percent of this budget, 1 percent, like the smart guys in Congress who kept the F-117 Stealth program going when the Pentagon said stop; those were people like Mr. MURTHA, Mr. YOUNG, and other people. Don't you trust your own leadership in the com-

mittee and in the Congress to even add or even participate in 1 percent of the defense damage, or do you want to take a total veto from the Pentagon? What is the answer to that? Do you trust them?

Mr. MINGE. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Minnesota.

Mr. MINGE. Mr. Chairman, first I notice there was a discrepancy. The gentleman said it was 95 percent and now he says it was 99 percent.

Mr. HUNTER. Mr. Chairman, reclaiming my time. If the gentleman will listen carefully to me, I am talking about 90 percent of the add-on. The add-on is approximately \$6 billion. But that is not the \$39 billion that the Pentagon sent over to us under the Clinton budget.

If the gentleman would add all of that together, take 95 percent of the add-on of the total procurement bill, that is, everything we buy in the modernization accounts, roughly 1 percent or less is done purely by congressional initiative. All of the rest of the items have been requested by the services.

Mr. MINGE. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. And I would ask the gentleman, and I have yielded to the gentleman a lot more than he yielded to me.

Mr. MINGE. The gentleman has asked me a question. I have not asked the gentleman any questions.

Mr. HUNTER. Mr. Chairman, I want to get the same courtesy I gave the gentleman when he did not want to yield. We have a budget that is 99 percent put together by the Pentagon, 1 percent put together by the members of the defense committees and the Members of Congress. I think that is a pretty good balance, and I think the good judgment and wisdom of Members like the ones who wanted to see the changes in the aircraft that would bring about greater safety, like those who wanted to see greater ammunition accounts should be listened to and relied on by our fellow Members of Congress. I thank the gentleman.

MODIFICATION TO AMENDMENT OFFERED BY
MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I ask unanimous consent to modify the amendment by correcting the clerical error in the dollar figure. I confess to the body I am a math nerd.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mrs. SCHROEDER: At the end of the bill (before the short title), add the following new section:

SEC. . The amount of appropriations provided by this Act is hereby reduced by \$6,572,000,000.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Colorado?

Mr. YOUNG of Florida. Reserving the right to object, Mr. Chairman, I would like to point out that the effect of this amendment is to take this from a \$6 million cut to a \$6 billion cut. And I would rather deal with a \$6 million cut. But to extend the courtesies that the gentlewoman will extend to us throughout the day, I will not object.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman and I owe him a plate of cookies.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

□ 1730

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the question before the Members of the House is quite simple. Will the Pentagon be exempt from the cuts which we are going to exact on every other part of the Government as we move toward a balanced budget in the year 2002, something that is absolutely essential to the economic security of our Nation? Is the Pentagon spending every penny and has it spent so well every penny in its whole budget that it should be exempt and not only exempt but it should get an add-on over and above that requested by the Joint Chiefs of Staff, the Secretary of Defense, and the President of the United States?

Should they be exempt from procurement reform, prioritization, new efficiencies? I think not. I will use a couple of examples. I mentioned one earlier.

In a GAO audit of procurement by the Department of Defense over the last decade, there is \$15 billion, B, billion dollars totally unaccounted for, \$15 billion was spent for which no one can find a receipt, a disbursement or a purpose, \$15 billion. What was it spent on?

Was it spent on essential things, perhaps it could have acquired the GPS little handouts units and the little laptop computers that will cost about 5,000 bucks a plane for the 500 planes in the fleet, \$2.5 million. That would be a tiny fraction of the missing \$15 billion, but it was not spent there.

I believe if Congress begins to clamp down a little bit on the mismanagement at the Pentagon that they will spend the money more wisely and effectively and defend America even better than they have in the past, certainly more cost effectively.

Fifteen billion dollars. If any other agency of the Government could not account for \$15 billion of spending over the last decade, there would be an uproar like we would not believe, but here it is ho hum, give them more money. If they cannot account for \$15 billion, let us increase their budget this year by \$11 billion.

Then there is the warehouse situation. We have done a little bit of looking at what is in the warehouses. It is essential that we must have more money this year. Well, there is \$36 billion of equipment in the warehouses that exceeds the 100-year requirement of the Pentagon for operations, including wartime contingencies. This is \$36 billion of wasteful acquisition, things sitting in warehouse, vacuum tubes for equipment that no longer exists. They did get rid of the leather stock, I believe, for chaps for the cavalry, but there is still other things in 10 million cubic feet of warehouses. Yet this is the same agency that we are told has to be able to write its own ticket that comes forward and tells us what additional acquisitions they need with no scrutiny.

Now, I believe the original request was excessive, given these points. But certainly the request before this body which busts the budget and puts us on an upward trend in the deficit next year is not warranted nor necessary. I believe that the Pentagon, the defense of the United States and certainly the taxpayers of the United States, we would all benefit if very simply we just said no. You got a lot of money over there. Spend it a little more effectively. Figure out what you did with that \$15 billion and maybe you can spend it again, or how about you figure out what to do.

Let us have a garage sale with the \$36 billion of equipment that exceeds the 100-year operational requirement of the military even in wartime contingency. Maybe there are some antique collectors somewhere that would like to buy some of that stuff.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was impressed with the candor of the explanation as to how the appropriations subcommittee budgets for the Pentagon. They ask them what they want; they give them most of it. That is a pleasant way to spend one's time but not a wise way to spend one's money.

Let us understand a couple of points. First of all, the price of this budget, absent the amendment of the gentlewoman from Colorado, who spent more than 20 years on the Committee on Armed Services and has time and again demonstrated the wisdom of her judgments in this area, the price of this amendment being defeated is cutbacks everywhere else.

We are going to balance the budget. We are going to reduce spending. If you continue the pattern of insulating the Pentagon and the CIA and the intelligence agencies, which are included in this budget, from any significant budgetary discipline, and it does not seem to me that it is budgetary discipline when the justification for the budget is, that is what the agency wanted, if

you continue to insult the Pentagon from that, then every other area government gets hurt.

Now there are Members in the House who do not care much about environmental programs. There are Members who think that we should not be spending as much money to help young people to go to college. There are Members who do not like the community development block grant program. I assume they can easily vote against this amendment.

But any Member who has told people in his or her district, I am sorry we cannot do more in Medicare, I regret that we have to cut back as much as we have in Medicaid, I wish we could do more for this program, I am sorry about it, vote against this amendment and you have undercut the accuracy of these statements, because if you give the Pentagon an additional \$6.5 billion because they want it, then that \$6.5 billion will come from education, from the environment, from public safety.

Yes, this is a dangerous world. But I believe \$6.5 billion could be far better spent protecting Americans against crime in their cities, against drug-induced problems, against serious environmental hazards than it would be against foreign enemies who are already dwarf with our military power.

That is the choice. Do you think people are endangered by hazardous waste or are they endangered by crimes, by drugs, or by outdated infrastructure, or are they endangered by the countries which collectively spend a very small percentage of what we spend?

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding to me.

I thought of one more thing. The gentleman has such an active mind, but there is also the threat of the debt. We could decide not to spend it at all and assign it to the debt.

Mr. FRANK of Massachusetts. Mr. Chairman, I understand that, but the Pentagon wants it. What is debt reduction compared against the desires of the Pentagon? The gentlewoman must understand what is going to win around here. So I assume we are not going to do that.

This, of course, is the account in which the magical increasing missing intelligence pot comes. You remember that. That was the \$1 billion that we checked into, and we made it \$2 billion. Then our diligent overseers checked into it and it became \$4 billion. That is hidden in here. Who knows how much it is?

You are saying now that, gee, we cannot afford to take away \$6 billion which is what happened when we caught them with money that they were withholding. We let them spend it

elsewhere. So the first part is the real cost of this. Second, let us also retitle this bill. This is the foreign aid bill. We spend more in foreign aid in one military budget than we spend in all the so-called foreign aid budgets because, as was noted, Japan and England and Germany and France and Norway and Belgium and all of the other wealthy countries in the world are the beneficiaries of those who vote to kill this amendment because none of them have military budgets as a percentage of their governments, of their gross product like ours. We confer on them this great benefit.

Of course, there are bad people in the world. But there are also some good countries in the world that are the potential victims. They understand that they do not have to do things. Virtually, all of our allies are making very significant military cutbacks. Why? Because the Soviet Union has collapsed and because the Pentagon wants more money. Therefore, since we will give the Pentagon what they want, they do not have to do it in England, in Germany, and elsewhere.

This is the subsidy to our competitors economically. It is an imposition on every other Government program. It undercuts one basic point. People have said we have to tell the American people they have to sacrifice, we have to cut back on Medicare. They cannot have Social Security. Give the Pentagon everything it wants, and you undercut your ability to get other people to accept sacrifice.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Schroeder-Minge-DeFazio amendment. This is a sound amendment that should appeal to Members on both sides of the aisle. This amendment cuts the bloated military budget by just under \$7 billion and brings it in line with the conservative blue dog budget and closer to the President's budget and the Pentagon's own request. Cutting \$6,572,000,000 is not a radical proposal, not at all. It is one small step for fiscal sanity at a time when we really should be taking a giant leap.

Right now we are considering a defense bill which is loaded up with expensive cold war hardware like seven Trident D-5 missiles which will cost \$267 billion in 1997, and continuation of the *Seawolf* submarine program at the outrageous price of \$699 million in 1997. For the price of continuing the *Seawolf* submarine program, Mr. Chairman, we could send over 200,000 children to Head Start for a full year.

Think about it. We waste money on weapons we do not need which in turn prevents us from spending money on our children, our families, our seniors, and our environment. Those are investments we do need. Just last night the

majority passed a budget agreement which cuts college loans for students, raises taxes on poor working families and eliminates the guarantee of health care for low-income seniors.

Just last night, the Gingrich majority told children: If you are poor, do not get sick, do not get hungry, do not get cold, because we really do not think you are important. In fact, we will no longer guarantee health care for you if you are poor. But, on the other hand, if you are a defense contractor, you are really important. This budget provides \$246 billion for defense programs, \$11.1 billion more than the President's request and \$3.7 billion more than last year's budget.

Let us get our priorities straight. Let us add back some sanity to the defense budget by subtracting \$6.5 billion in wasteful spending. And for heaven's sakes, let us invest in our children and their education, our seniors and their health care, and our families and their security while we invest wisely in our military.

Vote for the Schroeder-Minge-DeFazio amendment.

Mr. OLIVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, with about 10 legislative weeks left in the 104th Congress, I think it is a good time to examine the priorities of the new majority. The Republicans have relentlessly attacked education and health care and environmental protection, energy conservation, crime control. The minimum wage remains unlivable, corporate welfare unstoppable. The deficit is going to go up each of the next 2 years under the plan that was adopted last night while taxes are deliberately increased on working families who earn under \$25,000 a year. But spending on unrequested and unneeded weapons systems is off the charts: billions of dollars for new missile defense systems to defend against hypothetical or imagined enemies that do not exist, billions for further development of the B-2 bomber, many millions more for other aircraft and hardware the Pentagon says it does not need to defend either our shores or our interests.

This defense budget is an utter perverse reading of the peace dividend the end of the cold war was supposed to produce. It makes you wonder who really wants to balance the budget. Makes you wonder who is really willing to make tough choices of shared sacrifice.

Both the President's budget and the coalition budget are fair and more human, more honest, more realistic plans to balance the budget in 6 years. The amendment by the gentlewoman from Colorado brings defense spending in line with the coalition's budget, almost \$7 billion less than the Republican majority's plan. That would leave a full \$238 billion for defense and might open the door for protection for work-

ing families that the President rightfully demands. If we would do that, if we would pass this amendment, we might get a balanced budget agreement.

□ 1745

Is that not really what the Republicans say they want?

I urge all of us to take a constructive step to adopt a dose of common sense to put our children's future before special interests, and the next time we have an opportunity to take a commonsense, constructive step on behalf of our children's future, we find it easier.

I urge my colleagues to support the amendment that has been offered by the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mrs. SCHROEDER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER] will be postponed.

Mr. ZIMMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to commend the chairman of the subcommittee, the gentleman from Florida [Mr. YOUNG] for his work on this legislation and for taking action to reduce the funding for the Operational Support Airlift. The OSA provides air transport for senior military officials, Members of Congress, and the executive branch. Some of these trips may be necessary, but many are clearly questionable.

Mr. Chairman, each year the Pentagon spends \$300 million on military travel for top Government officials. According to the General Accounting Office, roughly \$24 million of this amount is being spent needlessly by government officials flying military planes rather than commercial transport.

The press regularly reports about abuses by congressional junketeers who use military planes at taxpayers' expense to fly to destinations such as Victoria Falls, Amsterdam and Bali.

The Defense Department's inspector general reprimanded a general who used a C-141 cargo jet to fly from Italy to Colorado with only his personal aide, his cat and himself as passengers. The cost of this trip was estimated at \$120,000. The general paid the Government \$5,000, but the rest of the tab was picked up by the taxpayers.

The GAO has reported on members of the executive branch utilizing the military airplanes for personal purposes, like the White House staffers who in

1994 used a military helicopter for a famous golf outing.

If taxpayers are going to pay millions of dollars a year for Government travel, they have a right to know exactly who is running up the tab, where they are going and why.

Last year the GAO estimated that the Department of Defense had a fleet of 600 aircraft that could be used by the OSA. GAO has estimated that the costs for operating military aircraft range from \$5,300 per hour to \$15,000 per hour. Because the cost of operational support aircraft is so high, members of the military, Congress and the executive branch should be more responsible when requesting trips.

For instance, many military and civilian officials take frequent trips by military helicopters from Andrews Air Force Base in Maryland to the Pentagon, which is 15 miles away. The cost of some of these military helicopter flights is \$1,600. A Yellow Cab costs \$18 for the same trip.

This bill reduces the funding for the OSA by \$68 million. Equally important, it calls for a study of the use of military aircraft. I believe this action by the committee will help the Pentagon to better manage its assets and save substantial amounts of taxpayers' money, but I would urge Congress to take an important step beyond this and require full disclosure of all air trips taken on military transport.

In this regard I would ask to engage the gentleman from Florida [Mr. YOUNG] in a colloquy regarding the Operation Support Airlift.

I have expressed concern about the use and possible abuse of DOD Operational Support Airlift fleet. I am aware that the chairman of the National Security Appropriations Subcommittee shares my concern and has taken measures to reduce OSA funding levels, and I commend him for his actions. I am also aware that this bill directs DOD to prepare a thorough report on its activities. Nevertheless, I believe Congress must pursue this matter further.

As Congress proceeds to conference on this bill, I would like to have the assurance of the gentleman from Florida that he will work with me to obtain a complete accounting from DOD of who is taking these trips, why, where they are going and the estimated cost of each trip when Members of Congress and the executive branch use Government aircraft.

Mr. YOUNG of Florida. Mr. Chairman, would the gentleman yield?

Mr. ZIMMER. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding, and I would like to thank him for raising this issue and respond to the gentleman by saying that in the fiscal year 1996 appropriation bill we reduced funding for this type of travel by \$50

million. The bill that we have before us today reduces last year's level by an additional \$68 million.

I would also have to advise the gentleman that getting information on the specifics that he is asking about is not really easy, but we are trying, and we have some reviews ongoing. But I certainly expect to continue to work with him and others who are interested in this issue and continue to do what we can to make sure that whatever is done in the way of military transportation is done properly.

Mr. ZIMMER. Mr. Chairman, I thank the gentleman for his work on behalf of the taxpayers in this connection.

Mr. MORAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am as anxious to conclude this bill as anyone here, but I do have a simple amendment that addresses a very serious problem.

Mr. Chairman, as all my colleagues know, young men and women are recruited into the military service with the promise that they will receive free health care for life. I can show my colleagues dozens of brochures where this is in writing that they will get free quality medical care for life. Unfortunately, the Government has decided to renege on this contract. Military retirees now, once they turn 65, are kicked out of the military insurance programs and effectively denied treatment at many military facilities.

At the time when military retirees need medical treatment the most, our Government gives them the least. After age 65, military retirees are not allowed to enroll in CHAMPUS, they are not even allowed to enroll in TRICARE, and even worse they are effectively denied care at a military medical treatment facility because they are last on the priorities list.

I have heard countless stories, and I know the chairman of the committee has, the chairman of the subcommittee, the ranking member. I bet most of the Members of this body have heard countless stories of people over the age of 65 waiting all day at a military medical treatment facility having younger people than them brought up ahead of them. People that come in much later than they have been waiting are brought to the front of the line because the policy is, if they are over the age of 65, they go to the back of the line, then have to wait until everyone else gets their health care. They only get health care on what they call a space-available basis.

So, as my colleagues know, we have got to do something about this. Medicare is available to them under Medicare subvention. It is not adequate in many ways. It does not cover prescription drugs. Its reimbursement rates are simply too low. Our amendment addresses this inequity and honors the commitment made to military retirees by creating a very limited demonstra-

tion project that will allow military retirees over the age of 65 to enroll in the Federal employees health benefits program. This is the same insurance program that all of us have. All we want to do is to make it available to military retirees on a limited demonstration basis to see whether this will meet the demand. We want to determine what the cost will be, how much acceptance there will be, whether it is going to work.

Now, I can go on and on, I have got plenty of compelling arguments. I am not going to, because I know there is a lot of support for this. Let me just say that the military coalition and virtually every military group has endorsed this. I have introduced legislation as well that would establish the program nationwide, and that has over 75 co-sponsors. But this amendment today would simply give us the kind of information that we need to make sure we are doing the right thing, and we know it is the fair thing, we know that there is some urgency to do it because this policy is effectively excluding people that really need medical treatment today.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. MORAN. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding, and I appreciate the effort that he has put into this effort, and I would say to him, as I have in private, that I probably have the privilege of representing more retired military who fall into this situation than anybody in this House, and I made a commitment to my constituents, and I made a commitment to the members of the military coalition who I met with just last week to discuss this. We have sent the proposal for a demonstration program to the Congressional Budget Office. The numbers are being juggled at this point.

What I would say to the gentleman is that we are going to do everything we can to solve this problem. We have a shared jurisdiction situation with the Committee on Ways and Means and also with the subcommittee of the gentleman from Florida [Mr. MICA], but we are going to work together. When we go into our conference, we would like to address this, do whatever we can because I have the same commitment that the gentleman from Virginia has, and we are going to make this happen because it has to happen, it is only fair. It keeps our commitment that we have made a long time ago to those who served us in the military for a lifetime.

Mr. MORAN. I much appreciate the commitment of the gentleman from Florida, and my friend and colleague, the chairman of the Civil Service Subcommittee, is on his feet, and he also would have authorizing responsibility for this, is very supportive as well, and

I know that the ranking member of the Defense Appropriations Subcommittee, the gentleman from Pennsylvania [Mr. MURTHA], is strongly supportive of doing this as well.

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. MORAN. I yield to the gentleman from Florida.

Mr. MICA. Mr. Chairman, I rise to enter into a colloquy with the chairman of the Appropriation Subcommittee on National Security, the gentleman from Florida [Mr. YOUNG]. As the gentleman from Virginia [Mr. MORAN] indicated, we have agreed to night to withdraw this amendment.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. MORAN] has expired.

Mr. MICA. Mr. Chairman, I move to strike the last word and continue with my colloquy.

Again, as the gentleman from Virginia [Mr. MORAN] has indicated, we have agreed to withdraw this amendment because we have an understanding, we believe, with him that this will be addressed in the conference committee. I believe the amendment that was offered needs further refinement, and by addressing this issue in conference we will have the time necessary to thoroughly examine all the ramifications of the proposal. It may be necessary, in fact, to expand the demonstration projects in the amendment to include all non-active-duty individuals eligible for military health care.

Mr. Chairman, I certainly appreciate the dedication and commitment of the gentleman from Florida [Mr. YOUNG] to resolving the deficiencies in the military health care system and his agreement to address these problems in conference. I have the honor of serving as chairman of the House Subcommittee on Civil Service, and the issue of improving access to health care for military families was a subject of our subcommittee hearing on September 12, last year. We have gathered information on this important subject, and, as my colleagues know, it is vital to our military retirees, their survivors and families, and we ask again for the cooperation of the gentleman as this legislation and this bill move on to conference in trying to find a solution, and we understand that the gentleman intends to cooperate.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Yes, the answer is exactly correct. The same response that I made to the gentleman from Virginia [Mr. MORAN]. Page 205 of our committee report, there is a page devoted to that issue, and let me add to this further.

This is just one of the reasons that we added the \$475 million over the President's budget for medical health

care, for members of the military and their family, and, by the way, that is one of the items that can very likely be cut by the amendment offered by our colleague, the gentlewoman from Colorado [Mrs. SCHROEDER], or the amendment that will be offered by our colleague, the gentleman from Connecticut [Mr. SHAYS], and the gentleman from Massachusetts [Mr. FRANK]. We have to be careful. We do not want to give anybody the opportunity to take those moneys out of this bill.

Mr. MICA. I would like to respond, if I may, to the gentleman from Florida [Mr. YOUNG].

First of all, we appreciate the gentleman's leadership on the issue, the leadership of the gentleman from South Carolina [Mr. SPENCE]. I thank the ranking member of our subcommittee, the gentleman from Virginia [Mr. MORAN], who has worked with us. Our intent is to provide health care to as many folks who served, and their dependents, as possible, and that is our sole intent, and we also know the fiscal constraints that the gentleman is under. I intend to support him on this next measure which would get that, and I do know the circumstances of our military personnel and their dependents who do not have this health care; visited in Europe and saw, and other places where our military, one-third of them, live in substandard housing, and I know the damage that this potential cut could do.

□ 1800

Mr. YOUNG of Florida. If the gentleman will yield further, I would like to say this, that it was the gentleman from Pennsylvania [Mr. MURTHA], the ranking member of our subcommittee, who first raised this issue in the subcommittee with the witnesses who appeared, and he has been the driver on this issue to get us to where we are. The gentleman has our commitment that we are going to continue on this issue.

Mr. MICA. Again, I thank the gentleman, I thank him for agreeing to the colloquy, and I thank the ranking member.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

I want to comment on the gentleman from Florida's threat assessment that the amendment of the gentlewoman from Colorado cuts \$6 billion or the amendment that will be offered by the gentleman from Kansas, the gentleman from Wisconsin, myself, and others, our amendment would cut \$1.8 billion from this, and he says this might endanger this particular project. Only if you want to.

Our amendment gives total discretion to the defense appropriators and the Defense Department as to where to cut. So I would just make a prediction to Members. As we talk about cutting

\$1.8 billion, we will hear people opposing this threaten that it is going to cost about \$40 billion in cuts. Add up how many times that \$1.8 billion is going to be spent. In fact, a \$1.8 million cut out of this \$240 billion budget in no way, shape, or form would threaten this particular program unless the people involved do not like the program and want to threaten it.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, the \$475 million that I just identified that we added for medical care for military and their families was not in the President's request, so it obviously would be at the top of the list of those items to cut if the cutting amendment would be agreed to.

Mr. FRANK of Massachusetts. I would take back my time to point out to the gentleman that if the amendment that the gentlewoman from Colorado [Mrs. SCHROEDER] offered passes, you will still have \$5 billion over the President's request. If the amendment of the gentleman from Connecticut [Mr. SHAYS], I, the gentleman from Wisconsin [Mr. NEUMANN], and others is adopted, you will have \$9 billion over the President's request.

The fact is that you do not have to listen to the President's request. So the notion that by cutting \$1.8 billion, which would still leave it \$9 billion over the President's request, we have endangered that \$475 million, I guess that is the kind of excessive threat assessment that leads you to think that you have got to keep pumping this bill up. But the fact is that there is no rational connection between the two and this is a preview of coming distractions.

Mr. MURTHA. If the gentleman will yield, I appreciate all the compliments we get on what we are doing here. I wonder if we could not move along, because I have been in the forefront of health care all these years. I do not think anybody has done any more than I have for the military health care. BILL YOUNG and I have worked on it constantly. So I wonder, instead, if we could just move right along here and go to the next amendment here.

Mr. BARTLETT of Maryland. Mr. Chairman, I move to strike the last word to enter into a colloquy with Chairman YOUNG.

Mr. Chairman, on page 214 of the report accompanying H.R. 3610 is language that says that the committee expects the President to notify and consult with Congress prior to any such deployment of peace enforcement, peacekeeping or international humanitarian assistance operations; is that correct?

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT of Maryland. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. The gentleman is correct.

Mr. BARTLETT of Maryland. Mr. Chairman, I would just like to clarify and make absolutely sure that this language in no way is an attempt to broaden the President's warmaking powers by contravening existing law.

Under the U.N. Participation Act of 1945, as amended in 1949, Congress must give prior approval before the President may deploy any troops to peacekeeping operations. His advising us is not adequate. This law says that he must get prior approval from Congress before he deploys any troops to peacekeeping operations in response to chapter VII U.N. resolutions.

I just want to make very sure that the report language in this bill is not designed in any way to change the requirement of this existing law.

Mr. YOUNG of Florida. I would respond that the gentleman is correct. The U.N. Participation Act requires prior congressional approval before the President can submit any troop to peacekeeping or peace enforcement operations. So the answer is "no," the gentleman is correct.

Mr. BARTLETT of Maryland. I thank the gentleman for this clarification.

The CHAIRMAN. Are there any other amendments not precluded by clause 2(a) or 2(c) of rule XXI?

AMENDMENT OFFERED BY MR. SHAYS

Mr. SHAYS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mr. SHAYS: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . New budget authority provided in this Act shall be available for obligation in fiscal year 1997 only to the extent that obligation thereof will not cause the total obligation of new budget authority provided in this Act for all operations and agencies to exceed \$243,251,297,000, which amount corresponds to the new budget authority that was provided in the Department of Defense Appropriations Act, 1996.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 1 hour and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. FRANK of Massachusetts. Mr. Chairman, reserving the right to object, I just wanted to clarify that if any amendments to the amendment were offered, they would not come out of the hour. We certainly, I think, would agree to the hour but just in case any amendments to the amendment were offered, they would not come out of the hour.

Mr. YOUNG of Florida. If the gentleman will yield, I would suggest we

deal with that if we get to it. As we did with the gentleman from Colorado [Mrs. SCHROEDER], we are not going to deny anyone the opportunity to be heard.

Mr. FRANK of Massachusetts. I appreciate that, and I would not object if we were talking about 1 hour on the amendment that the gentleman is offering, and any amendment to the amendment would have to be dealt with separately, that it would not come out of that limit.

The CHAIRMAN. The Chair would state that that is the way the request is stated.

Mr. FRANK of Massachusetts. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The time limitation on the Shays amendment is 1 hour.

Mr. SHAYS. Mr. Chairman, I ask unanimous consent to designate 15 minutes to my colleague the gentleman from Massachusetts [Mr. FRANK], who is an equal cosponsor of this amendment for the purposes of yielding time.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent to yield 15 minutes of my time to the gentleman from Pennsylvania [Mr. MURTHA].

The CHAIRMAN. Without objection, the time will be divided 15 minutes for the gentleman from Connecticut [Mr. SHAYS], 15 minutes for the gentleman from Florida [Mr. YOUNG], 15 minutes for the gentleman from Pennsylvania [Mr. MURTHA], and 15 minutes for the gentleman from Massachusetts [Mr. FRANK].

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a very simple amendment. This is not a cutting amendment nor is it an increasing amendment. This is an amendment that says that this Congress will authorize and appropriate the same amount next year as we have appropriated this year, \$243,251,297,000.

This is an amendment that freezes defense spending for next year at the level that it is this year.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I rise in support of H.R. 3610 and in opposition to the Shays amendment. This amendment proposes to cut funds in quality of life programs which are in the bill.

Our chairman, BILL YOUNG, should be praised for putting these items in the bill. Our service men and women serve our Nation with great dignity, and Congress and the American people should respect this fact. Of particular importance to me, and women throughout our Nation, is the commitment to breast cancer research, prevention, and treatment. This bill provides \$100 million to continue the Department of the Army's peer-reviewed breast cancer research program and \$25 million for prevention and education programs. More than 184,000 women will discover they have breast cancer this year, and many of those women will be members of our Armed Forces or family members.

Beyond this funding, the committee has restored the budget shortfall in the Defense Health Program. Any reduction to this account would drastically limit medical services for our military families and retirees. The very least we can do is show our support for our men and women who serve our Nation without reservation.

I urge my colleagues to support the funding levels in H.R. 3610, and oppose the Shays amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, we now have the question as to whether this is a Congress seriously dedicated to reducing the budget deficit, understanding that that causes some difficult choices everywhere, or whether we will, as this appropriations bill does, exempt the defense and intelligence budgets together from any significant budget discipline.

Remember, we talk about the entitlements leaving us only a certain amount of discretionary spending. We are talking about approximately half the discretionary spending. If you go forward and provide this significant increase for the defense and intelligence budgets, an intelligence budget which found, and let us be very clear, this cut would be \$1.8 billion from the appropriations proposal, which would make it a freeze. It is acknowledged by the intelligence agencies which are part of this budget that they misplaced more than twice this amount. More than twice the amount of \$1.8 billion was kind of lost because they have got so much money they cannot keep track of it. So that notion that we have got to cut health or cut this or cut that, we will hear all kinds of exaggerations. All we are saying to the defense and intelligence agencies together is, "No, live this year with the same amount you had last year and you will be doing better than many, many other agencies."

Reject this amendment, and I think this is too small of a cut, but if this amendment is rejected, then you have said, no, we will get into a situation where we will reduce the deficit, reduce every other discretionary program so the Pentagon can go up and up and up, and your ability to persuade people that they should accept sacrifices elsewhere will be substantially eroded.

This leaves entire discretion to appropriators and the Defense Department to make this cut of less than 1 percent. I hope the amendment is adopted.

Mr. SHAYS. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would emphasize again that this is a freeze amendment. We are not advocating that the Department of Defense spend less than we spend this year next year. We are advocating that they have a freeze. I am a member of the Budget Committee. On the Budget Committee we are allowing entitlements to grow. We are allowing the growth of entitlements like Medicare and Medicaid. We advocate freezing defense spending—at least I do—and we are cutting discretionary domestic spending. We are having real and absolute cuts in discretionary spending.

Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin [Mr. KLUG] for our freeze amendment to defense.

Mr. KLUG. Mr. Chairman, I thank my colleague from Connecticut and my colleague from Massachusetts for leading the fight on this amendment today. It parallels the fight we actually tried to do several weeks ago during the defense authorization bill. Unfortunately we were not allowed that opportunity on the floor to make our case.

Let me really simply try to argue that there are three points in front of us today on this. First of all, I think it is a test for Republicans, whether we are going to apply the same kind of scrutiny to the Pentagon that we apply to every other Federal agency.

I heard my colleague from California, Mr. HUNTER, come to the well a few minutes ago and say, "Look, we came up with this list of what the Department of Defense needs because that's what the Department of Defense told us they needed."

Do we really deal that same way with any other Federal agency? If the Environmental Protection Agency came in and said: We need this money. You got it.

Or the EPA came in and said: We need this money. You got it.

Or the Interior Department came in and said: We need this money. You got it.

Of course not. We have said to every single one of those Federal agencies over the last 2 years, "We're broke."

We are broke as a country. We are hundreds of billions of dollars in the hole this year, and we are several trillion dollars in the hole in terms of the national debt itself. And so we have asked every one of those agencies to operate more intelligently and more efficiently.

Somebody please explain to me where the Pentagon suddenly developed this reputation as the poster boy for Government efficiency. This idea that somehow the Pentagon is sacrosanct just does not, I think, confront reality.

Mr. Chairman, my second point is going to be characterized in some ways as an attack on our ability to defend ourselves. We are not saying you cannot buy bullets. What we are suggesting is maybe you already have enough pencils. And we are not saying you cannot buy tanks. Maybe you already have enough offices filled with enough file cabinets.

You are going to tell me in a \$260 billion budget, you cannot eliminate

three-quarters of 1 percent through efficiency standards?

Folks will say if you do not pass the bill in front of us as the Committee on Appropriations wrote it, that means there will not be any quality of life, there will not be raises for our service men and our service women. Set that money aside, give them the raises, then go back and look at the other \$250 billion and find another three-quarters of 1 percent.

We are not military experts. And so we did not come to the floor and say, "Here is the places you cut in order to do that." We came to the floor to say, on principle, we have got to ask the Pentagon to live by the same kind of standards we have asked every other Federal agency.

□ 1815

In fact, as the gentleman from Connecticut [Mr. SHAYS] has correctly characterized this amendment, it is not a cut, it is a freeze. We are saying they get the same amount of money they got last year, where every other appropriations bill debated on the floor over the last several weeks and over the next several months we will actually have Federal agencies substantially cut. Not freezes, but cuts. This is the same money they got last year.

Finally, I want to say to my Republican colleagues, I think if we are to earn the respect of the American public and develop the sense of credibility on other deficit issues, we have to apply the same kind of standards to the U.S. military and to the Pentagon. To somehow say we are going to look aggressively at every program and to say we are going to ask Medicare to slow its rate of growth and we are going to ask the Environmental Protection Agency to live with less money, and the National Park Service to live with less money, and the FBI, and every single Federal agency across the board, but then say, wait a minute, wait, the only guys who get more money are the folks at the Pentagon because they have operated so efficiently and so intelligently over the years that they cannot find any place to cut.

I find that absolutely incredible, Mr. Chairman, and I think every single one of my colleagues should ask themselves, if they are serious about deficit reduction and if they want a balanced budget and they want to provide a future for our children, then we should ask the Pentagon to be subject to the same kind of scrutiny we ask every other Federal agency to live with, and we should do it with a vote early this evening.

Mr. Chairman, I urge my colleagues to vote for the Shays amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, may I inquire how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Massachusetts [Mr. FRANK] has 13

minutes remaining; the gentleman from Connecticut [Mr. SHAYS] has 10 minutes remaining; the gentleman from Florida [Mr. YOUNG] has 13½ minutes remaining; and the gentleman from Pennsylvania [Mr. MURTHA] has 15 minutes remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 30 seconds to say I am struck by how we are told that cutting \$1.8 billion could cause such havoc. The appropriations subcommittee underestimated its own skill. They were just told by the Committee on the Budget cut \$700 million and they did it fairly painlessly. Apparently, they were able to get rid of 700 million and America is still secure; no invasion impends, no health care has been cut back.

They could cut 700 million apparently with no problem. I think if they worked a little harder, they could cut another \$1.8 billion, which is still less than 1 percent of the total budget.

Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman. I rise to support the freeze amendment. That is what this does. It is a freeze amendment.

Now, it is interesting to me, when we voted on the balanced budget amendment there were about 300 Members of the House of Representatives who came in here and voted for a balanced budget amendment. That was the easy part, come in a vote for a balance budget amendment, go back to our districts and say, well, I voted for a balanced budget amendment; I want to balance the budget.

We tried yesterday to cut corporate welfare with very little success, then we tried to cut tobacco subsidies with a little more success, but we were unable to do it. Mr. Chairman, this defense appropriations bill adds close to \$11 billion more than what the President requested, \$3.7 billion more than we gave the Pentagon last year.

Adding \$11 billion to the defense budget is the height of fiscal irresponsibility; 15 percent of the budget is the defense budget. How in the world are we going to tell the American people that we are serious about balancing the budget when we do not have the courage to make the difficult choices with defense?

In this particular option, \$1.8 billion, as my colleague from Massachusetts said, we cut \$800 million just with the rule that we passed. This is an easy amendment.

I hear this talk about we are going to cut health care, we are going to cut the extra money for the troops and the extra money for readiness. This bill appropriates \$6 billion more than the President's request on weapons procurement. It accelerates the purchases of new fighter aircraft and submarines, items that the Pentagon had not

planned to buy for years. And if they had not planned to buy them for years, how in the world will we pay the upkeep?

It does not make any sense. This budget sinks \$858 million, 69 percent more than the President requested, into the national missile defense system.

If we are serious about balancing the budget, let us not exempt 15 percent of the budget. Let us pass this freeze amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LEWIS], a distinguished member of the subcommittee.

Mr. LEWIS of California. Mr. Chairman, I thank the chairman and the distinguished ranking member, the gentleman from Pennsylvania.

I first want to say to both my colleagues, my chairman as well as the gentleman from Pennsylvania, that I could not admire more the work of these two gentlemen in terms of the efforts they make in that Committee on Appropriations on behalf of the country. There is not a responsibility at the Federal level that is more important, more significant to this country and to the world than the work of this subcommittee, where we either appropriate the money or we do not appropriate the money to keep America strong.

In my time in the Congress, there has been nothing more important that we have done than to lay a foundation that causes us to be strong, as the one leader in the entire world. It is the result of their work that indeed the Soviet Union eventually collapsed. The pressure it put on that process brought an end to the East-West confrontation. I do not know how many trillions of dollars that effort has saved this country.

The price of peace is great but, indeed, the price of not having it could be much, much greater. To suggest that we should continue to reduce this budget is almost laughable if it was not so important. Indeed, ladies and gentlemen, over the last 5 years we have reduced these budgets not by a billion dollars discussed here, but by \$100 billion. And over those same years, every other program of much less significance has been increased beyond inflation by the very people who do not want to support defense.

It is time to recognize that this is one of the critical responsibilities of the Federal Government. It is appropriate for the Congress to go forward with this spending. Indeed, the job being done here should be commended; it certainly deserves our support.

Mr. SHAYS. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank my friend from Connecticut for yield-

ing me this time. I think this is a very important amendment not only because of the money involved, but I think because of the thought process that it goes into when we vote on these amendments.

As I interpret this amendment, what we will be doing rather than spending \$245 billion, we will be spending \$243 billion. That seems to me to be a rather modest cut.

The speaker before had mentioned that we spent a lot of money on defense and the Soviet Union therefore is no longer. One of the reasons the Soviet Union fell is not because we spent a lot of money on defense, but because of what technology did in the Soviet Union.

But it is true we spent a lot of money to keep our country strong. I served in the Army; I served on the board at West Point. I am very partial to our military. But there is a time when we start asking ourselves why are we spending these billions?

No one here has come to the well, now that the Soviet Union is no longer, no one has come to the well and said why are we spending this money; to defend ourselves from who? Who is the enemy? Even with this amendment we are spending \$243 billion. That is a lot of money.

If we want to protect the United States of America, do not build more planes or more ships. We had a hearing today. In Odessa, in the Ukraine, there is no longer communism there. They do not have school from December through March. Why? Because there is not enough heat for the schools. They do not have pens in the schools. They do not have paper. They are here in the United States looking for old books and textbooks to send to Odessa so the kids have something to go to school with, so the kids have something to write on, and we are spending billions of dollars in defense.

If we want to do something in defense of America we should start sending some textbooks, sending some pencils, sending some school supplies to Odessa and to the regions in that part of the world. Do not send more missiles. We are spending billions of dollars to help the people in the Ukraine destroy their weaponry and over here we are building more weaponry. It does not make sense.

The problem, as I see it, is one of thinking. It is difficult to have change. We see that in our society today. The most difficult thing to do is to change our way of thinking. I have been here in the Congress for 18 years. When I came here we had a Soviet Union. I voted for all the defense spending. But that enemy is gone. It is a different era, it is a different time. We have to bring some new thinking to the world.

It is a different world and we have to acclimate to the world we are moving into and that we are in today. The

world we are in today is one of economic competition, not more and more military planes and ships. What are we going to do with more subs that we will have? Who are we defending ourselves against?

I know it is difficult to bring in new thinking, to change one's thinking, but this is what we have to do and that is why this amendment is important. It is not only that we are saving a couple billion dollars, but we have to have a different mental attitude, a different thinking in this Congress. We are not acclimating to the new world.

We are like the old Communists trying to get back in power against Yeltsin in Russia today. We have to have some new thinking, and this amendment goes in that direction. That is why it is important.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 2½ minutes, because I want to comment on this notion that defense and intelligence is somehow an obligation different than every other.

In this budget, remember the intelligence agencies, for instance, have now gotten into economic intelligence. The budget does not just talk about guns and ships and men and women in uniform. This funds the intelligence agency, where we have been told the intelligence agencies have decided to do economic analysis. I am glad they are, but is economic analysis in the intelligence budget of a qualitatively different nature from economic analysis elsewhere so that it should be exempted from any kind of budget scrutiny? Because all this is a freeze. All we are saying is they do not get more than they got last year. It is a freeze, not a cut, that we are advocating.

Let us talk about other Government functions; the FBI, faced in Montana with a difficult situation. We are told in the Judiciary that, yes, they did not have quite as many agents to investigate church burnings. We were going to adjourn temporarily to deal with the terrible issue of church burnings. I think putting a stop to church burnings is a very significant Federal responsibility. That takes well-financed Federal agencies.

What about Immigration protecting our borders? What about the problem of drug-induced crime? What about the problem of terrible toxic dumps? We have had to slow down the money we put into reducing hazards where small children live because we have said to people we do not have enough money.

All we are saying is, yes, defense is a very important function. So is domestic law enforcement. So is taking poison away from small children. So is having adequate control of our borders. But we cannot do all of it to the extent that we would like. And a freeze, giving the Defense Department the same amount of money this year in this budget as they had in the year before,

given the trends the gentleman from Wisconsin quite thoughtfully pointed out, given the fact of the diminution in the exterior threat, indeed if we look at America today compared to 8 years ago, where has the threat to our security gotten worse? I think it is more domestic than exterior.

Frankly, I think with the collapse of the Soviet Union, we are somewhat safer internationally than we were before. I wish we could say the same about crime and about environmental problems. So does it make sense to exempt from the process of freezing and discipline the foreign area, where we are almost certainly safer, and take out even more from the domestic area where the threats sadly are even greater?

□ 1830

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, I thank the gentleman for yielding. I serve as chairman of the Subcommittee on Civil Service of the Committee on Government Reform and Oversight, and I know where the cuts in our work force are taking place. We have heard of 273,000 employees downsized; 80 percent of the cuts in this administration have come out of the civilian defense force.

We just heard the last speaker say, What is the threat? The threat is we have had the largest arms sale in the history of the world, and we have missiles, and we have subs, and we have all kinds of weapons. Pick up the newspaper today and we see the potential of the threat. And our No. 1 responsibility under the Constitution is what? To provide for the defense of this country. It does not say to get into all these programs.

It is no problem for us to come here or this administration to come here and spend \$2 billion on Haiti; \$2 billion on Somalia; another billion in Rwanda; Bosnia, \$5 to \$6 billion. And then we talk about a missile defense of \$5 billion. We are really standing still. We are losing ground.

Mr. Chairman, two-thirds of our money to three-quarters of it is on salaries and retirement benefits. We are now paying more on interest on the national debt than we are in real dollars for our national security, our No. 1 responsibility under the Constitution.

Mr. Chairman, we cannot afford to err. We cannot afford as a Congress to make a mistake. That is the threat. That is where the money is being spent and that is our obligation under the Constitution.

Mr. FRANK of Massachusetts. Mr. Chairman, what is the time remaining, please?

The CHAIRMAN. The gentleman from Connecticut [Mr. SHAYS] has 7 minutes remaining; the gentleman

from Florida [Mr. YOUNG] has 9½ minutes remaining; the gentleman from Massachusetts [Mr. FRANK] has 8 minutes remaining; and the gentleman from Pennsylvania [Mr. MURTHA] has 15 minutes remaining.

Mr. MURTHA. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I rise in opposition to this amendment. I know that there are a lot of folks who believe in the need to balance the budget, and I take second place to no one in that belief. The fact is we do need to balance the budget, that our children and our grandchildren are going to be paying for our profligacy if, in fact, we do not start getting our spending in line with our in-flow.

The fact is, Mr. Chairman, that for the last 40 years we have been spending far too much, running deficits of \$100 billion a year, \$200 billion a year, \$300 billion a year, and the interest within the next 12 to 18 months, the interest on the debt that we have accumulated, that \$5 trillion plus debt that has been accumulated over the years, will soon exceed what we spend on the defense of this Nation.

For the first time in the history of the country, our No. 1 priority, providing a defense for our people, providing security for every man, woman, and child in this country, will come second to paying interest on the debt, interest on the borrowings that we have had in order to just pay for government.

So there is no doubt that we have got to get our budget under control. But the fact is that in discretionary spending in the last year and a half, we have saved roughly \$43 to \$50 billion under what was appropriated 2 years ago, and by the end of this appropriations season we will have saved about \$60 billion under what was appropriated 2 years ago.

Mr. Chairman, if Members look at the trend line for what President Clinton would have asked this Congress to spend had we not had the change in Congress that we have had, the savings have run about \$80 billion.

Mr. Chairman, we are succeeding in getting the discretionary portion of the budget under control. We are losing the battle still, because without the President's agreement, we cannot get his consent to get entitlements or the mandatory portion of the budget under control. That is no reason, absolutely no reason to say well, therefore, we should take extra savings out of the hide of the defense of this Nation.

The fact is that we need a ballistic missile defense. That is still in contention. It is opposed by Members of the House, it is opposed by Members of the Senate, and it is opposed by the President of the United States. Oh, he says we need to work on the development of a system, but he says we do not want

to deploy one. I happen to disagree with him. I think it is one of the few threats that the American people face. It is a dangerous world when we look at North Korea, when we look at China and the technological advances of China, when we look at the Iranians and the Muslim governments.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, when we look at the advances of a hostile world out there, we begin to understand that if America does not prepare for what threats might develop in the future, that we may well find ourselves underprepared and not ready for those threats when they occur. That would be a disaster. We owe it to our troops, we owe it to our people to be secure.

As this chart shows, Mr. Chairman, we actually, with the current proposed spending, after we take off medical spending and the pay raise that has been built into the system, we are actually going down under last year. When the Joint Chiefs have said we actually need an extra \$15 billion in weapons modernization, we are not giving them the \$15 billion in weapons modernization. We are not even keeping even with where we were last year.

Mr. Chairman, this amendment would cut us by an additional \$2 billion. That is unwise, it cuts our seed corn so that we cannot sow seeds for the future and be prepared. It will leave us ill prepared to meet the threats of the 21st century, and I urge the defeat of this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, I am learning the lexicon. Sometimes a freeze is a cut, and sometimes a freeze is a freeze. A freeze is a cut when it is for some programs and a freeze is not a cut or is just a freeze for the Pentagon.

Mr. Chairman. I yield 2½ minutes to the gentleman from Minnesota [Mr. LUTHER].

Mr. LUTHER. Mr. Chairman, I rise in support of this amendment to freeze Department of Defense spending at the fiscal year 1996 level.

In the past year and a half we have seen some progress in reducing our country's deficit, but not nearly enough. With the budget crisis facing this Nation, we must look for every single opportunity we have to reduce the deficit. And we simply cannot justify spending more on defense than our own military experts believe is necessary.

Mr. Chairman, we have been elected to this body to exercise judgment, common sense, and courage to make the hard choices necessary to achieve a balanced Federal budget. Freezing military spending would demonstrate our collective commitment to getting our Nation's fiscal house in order. But

more importantly, it will set the stage for asking the American people to make sacrifices in other important budget areas.

It is much easier to discuss the idea of shared sacrifice with senior citizens, children, and hardworking American people when we can assure them that all Federal programs and agencies are facing the same budget constraints.

The American people know it is wrong to ask them to share the pain of balancing the budget when a big part of the budget, the military budget, is being increased. The bottom line is simple, and we should know it by now after everything we have gone through in the last year and a half. If we are serious about balancing the budget of this country, it is essential that every Federal program and Federal agency share in the sacrifice, including the Department of Defense.

Mr. Chairman, let us show the American people that we really are committed to fiscal responsibility. Let us apply the same belt tightening to the military budget that we applied to the rest of the budget.

Mr. Chairman, I urge my fellow House Members to vote for this amendment and freeze military spending at the 1996 level.

Mr. SHAYS. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. NEUMANN] in support of the amendment to freeze defense.

Mr. NEUMANN. Mr. Chairman, this is an amendment to freeze defense spending at last year's levels. It is no big secret in this Nation that elections are coming up in November of this year and I have become accustomed to hearing an awful lot of demagoguing. I hope this amendment passes so that there will be no demagoguing come the fall elections this year about defense spending increasing.

Mr. Chairman, if we pass this amendment, defense spending is frozen. Period. It is not an increase or decrease. It is frozen, period. And there should be no demagoguing going into the fall elections after we pass this amendment. This amendment freezes defense spending at last year's level.

Last year's level was \$243 billion. Next year's level would be \$243 billion if this is passed. What about defense spending and where does this rate in priorities of the Nation? I think defense spending is one of the highest priorities of the Nation and should be treated that way. But does that mean defense spending should not be treated with the same scrutiny that all other parts of the budget are?

Mr. Chairman, I personally think we need to develop a missile defense system for this Nation. Many of the American people do not realize that if somebody launches a missile against the United States of America, we have no ability to shoot that missile down and to protect our own Nation. So, I think

we do need to develop a missile defense system.

If we freeze defense spending, how can we go about developing a missile defense system? Well, we go at the defense budget the same way we have gone after all the other parts of this budget. We find the programs that are not absolutely essential and we take money from those programs that are not absolutely essential and we redirect the funds into the programs that are the most important.

Mr. Chairman, my recommendation is I think we move to a high-technology military. I think we use technological advancements the best we possibly can. We develop the systems that are necessary to preserve and protect this Nation for our children.

But when we are doing that, at the same time we have to retire planes that are too old to service properly, planes that are too dangerous and other equipment that is too old, and properly bring down the support for that equipment that we no longer need with a high-technology military.

What is happening in this amendment? Defense spending will be frozen. The National Taxpayers Union supports it, and I would like to quote their letter directly. It says, "Congress has committed to reining in wasteful spending. We cannot afford to increase military spending if we are to gain control of our Federal deficits and achieve a balanced budget."

Last night on the floor of the House of Representatives we had a very interesting debate. The vote outcome indicated that we in this body believed that we have to have an \$8 billion increase in the deficit next year.

Mr. Chairman, I would like to suggest to my colleagues that the passage of this amendment allows us to move \$1.8 billion closer to a balanced budget. I would like to conclude my remarks this evening by encouraging the people in this body to do what is right for the future of our Nation, to do what is right for our children's future.

Mr. Chairman, I say to my colleagues, move us closer to a balanced budget. We are \$5.2 trillion in debt. That is \$20,000 for every man, woman, and child. It is time we move closer to a balanced budget. I encourage the support of this amendment which simply freezes defense spending.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Washington, [Mr. DICKS], a member of the subcommittee.

Mr. DICKS. Mr. Chairman, I just wanted to make sure my colleagues have not forgotten a little history here. I have heard a lot of talk about the defense budget not having been cut. I want to say that is the most ridiculous thing I have heard all night to-night.

Mr. Chairman, we have cut the defense budget by \$100 billion a year since

1985. When we take today's budget, it would have been \$350 billion. Today, it is \$250 billion. We have cut procurement by 70 percent. The Joint Chiefs have just written a letter to Secretary Perry saying that we are short annually \$20 billion in procurement.

□ 1845

We have downsized the military since the gulf war dramatically. In the gulf war we had 1 million men in the U.S. Army. Today we are down at 495,000. And we are operating at a higher op tempo than at any point between the Vietnam war and the gulf war.

We are sending these kids, these young men and women in the military, out more often to more places. The op tempo has never been higher. To say in the face of that evidence that we do not need to do more for defense is simply incorrect. We are operating in a very fragile situation here. We added about \$6 billion to procurement. That takes us up to \$44 billion. The Joint Chiefs say that we need to be at \$60 billion, and Secretary Perry has admitted the fact that we have got a major shortfall in procurement. This budget does not really come close to meeting the legitimate requirement.

Now, I understand my colleagues who say we should be doing more on domestic priorities. I wish we could do more in domestic priorities. But if you cut the money out of this defense budget, it is not going to go over and help HEW or other bills. It is going to go to deficit reduction, which is a very important issue. And I do not favor tax cuts, other things that are part of the other side's budget that will make the deficit situation worse. But to say that we have not cut defense, we have cut defense more than any other discretionary spending issue in the budget. Nothing has been cut more than defense over the last decade.

The requirements today on the military are major. So I urge my colleagues not to forget history here. We have leveled this off for the last couple years. We have not really done what is necessary. I just urge Members not to take this amendment, because it will make the job even more difficult to try and have adequate procurement funding for the equipment that our services need. We are going to have a major problem out there in the future if we do not have adequate funding for procurement.

I urge Members to stay with this budget. It is not perfect, but it is certainly a step in the right direction. And to say that we have not cut defense is just ludicrous.

Mr. MURTHA. Mr. Chairman, I yield 30 seconds to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I would like to associate myself with the remarks of the gentleman who just spoke. We cannot cut this defense budget anymore.

It is interesting in all this debate, not much has been said about the soldier. The first place that you cut, the easiest place that you cut is from the soldier, himself or herself from those who are on the high seas, who keep the airplanes flying. We should not forget those because they are the first to be cut in an event of a cut such as this amendment would provide.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 1 minute.

Let me say to my good friend from Washington, I do not disagree with his history. It is his mathematics that I want to focus on. The gentleman is the most honest advocate of increased military spending. He says the military budget would be \$340 billion. But it was never in dollars more than about 200 billion.

What did he do? He used an inflation adjusted figure and that is at the heart of this discussion. We are talking about dollars being dollars. The gentleman from Washington says, it is a cut in part because we have not kept up with inflation. So I ask, particularly Members on the other side, if that is the accounting they want to go back to, OK. But understand that that is the basis for the gentleman from Washington's argument.

He talks about a reduction from \$340 billion, but we never got to \$340 billion. It is the inflation adjustment.

This is a freeze. This is the same dollars. That is the issue here. Are we going to adopt a whole different set of accounting for the military? My friend says, 340, understand that that is getting you into inflation adjusted accounting. And if you do not keep up with inflation, it is a cut.

Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. HINCHAY].

Mr. HINCHAY. Mr. Chairman, old habits break hard. That is as true of nations as it is of people. We are in the habit of spending enormous amounts of money on the military budget. Right now we are spending approximately the same amount as the next 10 nations combined.

It is simply a prudent thing to freeze our defense spending at its present level. Some might argue that we ought to go far beyond that and reduce the military budget substantially. There are people in this town, responsible people who follow the military expenditures intimately, who would argue that you could safely cut \$50 billion out of the military budget without affecting the security of this country one iota. No one there is proposing anything like that. They are simply proposing that we freeze military spending at its present level so that we can begin to establish some new priorities.

Our priorities approximately have been to spend for the military, for the Second World War and for the cold war. All of that is behind us now. The major threats to our countries are within.

We have schools in this country that are falling apart. We have children who are not getting decent education. We have people who need health care. We have roads and bridges which are falling apart. Half of the bridges in this country are below standards, below safety standards. Everywhere we look the basic infrastructure of this country is in dire need. We continue to pour more and more money into larger and larger military budgets against an enemy that is no longer extant. They are gone. We have beat them. They are defeated. They are not here anymore.

His kind of military has got to be brought in line. We have to, this Congress has got to be given the opportunity to establish new priorities, reasonable priorities that meet the needs of our country. We have got to begin to focus more approximately on our domestic needs.

I have just mentioned a few. They are legion. They go far beyond those few that I have just mentioned. But the best priorities of this country are hurting and wanting, and we are not treating them appropriately. This amendment is reasonable. We should freeze military spending and refocus our priorities appropriately.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Massachusetts [Mr. FRANK] is recognized for 2¼ minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I want to be very clear again about what we are discussing. The gentleman from Washington was very honest. He said he does not think this budget is enough. I will be honest and say that, even if this amendment passes, I think it will be too much. I asked for a realistic threat assessment. I asked the same intellectual and mathematical standards be applied to the Pentagon as elsewhere. We do not do enough with the FBI. We do not do enough to reduce serious hazardous weight. We do not do enough to improve air traffic safety. We do not do enough to provide health care for older people.

We are about to tell older people they will have to take some reduction in the kind of health care that is available to them. You cannot exempt one area from that. If you reject this amendment, that is what you do. This amendment does not cut the Pentagon. It cuts it from the inflation adjusted figure which I thought we were not using anymore.

This amendment says the Pentagon and the intelligence entities. Let us be clear, not just the Pentagon. It is all the intelligence agencies as well. They will get the same amount of money this year as they had last year. Unlike almost any other agency of government, they will be held harmless against the reductions.

Now look at the threats in the world. Yes, we have Iran and we have Iraq. We had them when we had the Soviet Union as well. I do not believe that they are at this point a greater threat than the collectivity of crime, hazardous waste, air traffic problems, terrorism. We have serious problems here at home as well. Here is what we do if we reject this amendment. We say to the wealthy European and Asian nations of this world, do not worry about defending yourselves because that is what we are talking about here. When we talk about a two-war strategy, had we talked about the broad projections of American power, we are talking explicitly in defense planning of saying to Europe and Asia, those prosperous areas of the world, you need not spend very much on your own defense. We will do it. Save your money to become more efficient. Save your money so you can outcompete us.

Let us adopt this amendment as a beginning of a rational decision to deal with military spending in the same way that we should deal with other spending.

Mr. MURTHA. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I just want to say to the Members, this is an across-the-board cut. We have rejected several specific cuts. Over the years we have cut substantial amounts from defense. The threat has changed dramatically. I think this would be a mistake for us to now freeze the defense spending at this level.

We go to conference, we may have to make some more adjustments. All of us know how difficult it is to make sure the troops are taken care of, make sure the threat is taken care of. All of us work diligently listening to hearings, listening to what the military wants. They have long lists of what they would like. But in order to keep our military ready to respond and our National Guard and Reserve ready to respond, we cannot take another cut at this point as we negotiate through this bill. So I would urge Members to vote against this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Washington [Mr. NETHERCUTT], a member of the subcommittee.

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman very much for yielding time to me. I have been sitting in my office listening to this debate. I felt compelled to come here to the floor as a member of this subcommittee who sat through the hearings day after day, moment after moment, listening to the needs expressed by the military for our future readiness and our current readiness.

I want to speak to my Republican freshman colleagues. Be very careful

about what we do here. This is a bad amendment. This is something that is going to threaten, in my judgment, the future of this Nation. Think back just recently when we were so proud in this country to have our military forces be able to go to Bosnia and rescue Scott O'Grady, a constituent of mine from Spokane, WA. Think back how we felt in 1978 and 1979 when we had the fiasco in our military problems in the Iran rescue attempts. All the reason for that success in the Scott O'Grady case is because we are prepared.

We have to be prepared for the future. This is a dangerous world. We have heard it time after time in our subcommittee. This is a dangerous amendment. In my judgment, my colleagues, we ought to reject it very, very strongly.

Mr. SHAYS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Connecticut [Mr. SHAYS] is recognized for 4 minutes.

Mr. SHAYS. Mr. Chairman, I believe with all my heart and soul, if you tell the American people the truth, they will have you do the right thing. If you tell your colleagues the truth, they will have you do the right thing, too.

It is truthful, it is very truthful, as the opponents of this bill point out, there have been cuts in defense. In 1990, we appropriated \$286 billion. In 1991, \$268 billion. In 1992, \$269 billion. In 1993, \$253 billion. In 1994, we spent, appropriated \$240 billion. Since that time, 1995, \$243 billion, 1996, the budget we are in now, \$243 billion.

This amendment is saying that we should not cut from defense anymore. We should not add to defense anymore. We should spend \$243 billion. It is in truth a freeze.

Now, it is important to point out that, when we took over, I speak primarily to my Republican colleagues and to those who might be watching on TV, especially to the staff, when we took over, we had a rescissions bill that cut \$20 billion.

The CHAIRMAN. The gentleman should address his remarks to the Chair and not to the audience.

Mr. SHAYS. Mr. Chairman, none of it was cutting defense. We were cutting discretionary domestic spending. We added back \$11 billion; some of it went to defense, for very necessary things.

In 1996, the President wanted to spend \$7 billion more than 1995 in discretionary spending. We spent \$23 billion less. All cuts to domestic discretionary spending. No cut to defense. We cut HUD \$6.3 billion from 1995 to 1996. EPA we cut \$713 million. FEMA we cut \$143 million. The Department of Education, we cut \$1.5 billion. NASA, we cut \$473 million. The National Science Foundation, we cut \$141 million. The summer youth program, we cut \$185 million. We cut from legal services \$122 million. We did cut domestic spending.

We have to be truthful about it. We did not cut Medicare. We did not cut Medicaid. We allowed the student loan program to grow. We did not cut the earned income tax credit. That is all going up.

□ 1900

Entitlement are going up under our budget. We are just slowing the growth. Domestic spending, nondefense spending, is going down. We are cutting it. And some of us happen to serve on those committees where we would have liked to have spent more, but we knew we had to cut to balance this budget in 7 years, and I just urge my colleagues to recognize that we need to get our financial house in order.

If my colleagues did not like the bump in next year's budget and they were tempted to vote against the budget resolution, that was a plan, that was not all that of a hard vote to vote "no" if my colleagues thought so. What is important is to vote to actually cut spending where we can, domestic spending, to freeze it where we can, defense spending, to slow the growth of entitlements.

If we do all three things, we will, in fact, balance the budget.

I urge my colleagues to recognize this is not a cut from next year, from this year to next year. We are freezing defense spending. My God, if we cannot freeze defense spending, how the heck can we continue to say that we can cut domestic spending, that we can slow the growth of entitlements?

This is our moment of truth for anyone who wants to get our financial house in order and balance the Federal budget. I urge adoption of this freeze amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Florida is recognized for 4½ minutes.

Mr. YOUNG of Florida. Mr. Chairman, I just think it is time now to get real about what it is that we are doing and what it is we are talking about. We've heard all of the facts and figures being thrown out. This \$2 billion cut will have the effect of reducing this budget \$6.7 billion below last year's level, adjusted for inflation. Whether my colleagues like it or not, there is an inflation factor out there that we have to take into account, and so this would not be a freeze, it would be \$6.7 billion below last year in terms of actual buying power.

Now, this subcommittee that brings this bill here today has already cut \$1.3 billion out of the original number that this House gave us to work with. They gave us the number, and we worked from that number. We have had to cut it \$1.3 billion already, from subcommittee to the floor.

Now we talk about the defense budget. For the last 12 years, including this

year, the real dollars invested in our Nation's security have declined while almost every other spending account that has been mentioned in that same 12-year period increased. So, in effect, we are playing catchup, and there is a lot more that needs to be done than we are doing here, and I am going to talk about that in just a minute.

But I think it is important that the Members know that two-thirds of the money, listen to this, two-thirds of the money appropriated by this bill goes for pay, housing, education, medical care, quality-of-life issues for our people in the military, as well as training and readiness; two-thirds of this bill go for these purposes. Now, why is that, and why is it we spend more on our military than other nations?

Mr. Chairman, it is because we have an all-volunteer military. Those men and women serving in uniform today are volunteers. They are serving their country because they want to. They have not been drafted or conscripted. They are a volunteer military, and we have an obligation to take care of them.

Some \$540 million of the money in this budget is going to pay for Bosnia, one of the many contingencies that our troops have been involved in. With all the operational tempo, the contingencies, we are wearing out our equipment, and we need to replace some of that equipment.

What do we do today, my colleagues? What we do today not only determines where we are in our military capability in 1996 and 1997. What we do today determines what our readiness situation will be 5 years from now or 10 years from now. Let us not take the chance. Let us be prepared, let us reject this amendment, and let us get on with passing this bill and getting to conference with the Senate and getting it to the President.

Mr. Chairman, I yield back the balance of my time.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Mr. Chairman, are we going to roll this vote? Just for the guidance of the Members, is it the intention of the Chair to now take the pending votes and go on to the next amendment in debate?

The CHAIRMAN. A request for a recorded vote on this amendment will be postponed until after disposition of the Schroeder amendment.

Mr. FRANK of Massachusetts. But we will not go on to the next debate until the next votes?

The CHAIRMAN. That is correct. The question is on the amendment offered by the gentleman from Connecticut [Mr. SHAYS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. YOUNG of Florida. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Connecticut [Mr. SHAYS] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 453, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: an amendment offered by the gentleman from Wisconsin [Mr. OBEY]; an amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER]; and an amendment offered by the gentleman from Connecticut [Mr. SHAYS].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 101, noes 319, not voting 14, as follows:

[Roll No. 243]

AYES—101

Ackerman	Hilliard	Ramstad
Barcia	Hinchey	Rangel
Barrett (WI)	Jackson (IL)	Reed
Becerra	Jacobs	Rivers
Bellenson	Johnson (SD)	Roukema
Blumenauer	Johnston	Roybal-Allard
Bonior	Kanjorski	Rush
Brown (CA)	Kaptur	Sanders
Brown (OH)	Kennedy (MA)	Schroeder
Bryant (TX)	Klecicka	Schumer
Clay	Lewis (GA)	Sensenbrenner
Collins (IL)	Lofgren	Serrano
Collins (MI)	Lowe	Shays
Conyers	Luther	Slaughter
Coyne	Maloney	Stark
Cummings	Markey	Stearns
Danner	McCarthy	Stockman
DeFazio	McDermott	Stokes
Dellums	McKinney	Studds
Dingell	Meehan	Stupak
Doggett	Menendez	Torres
Duncan	Miller (CA)	Towns
Durbin	Minge	Velazquez
Ehlers	Mink	Vento
Evans	Nadler	Visclosky
Fattah	Neal	Waters
Flner	Oberstar	Watt (NC)
Flake	Obey	Waxman
Foglietta	Oliver	Williams
Ford	Owens	Woolsey
Frank (MA)	Payne (NJ)	Wynn
Furse	Pelosi	Yates
Gephardt	Petri	Zimmer
Gutierrez	Poshard	

NOES—319

Abercrombie	Farr	Lightfoot
Allard	Fawell	Linder
Andrews	Fazio	Lipinski
Archer	Fields (LA)	Livingston
Armey	Fields (TX)	LoBiondo
Bachus	Flanagan	Longley
Baessler	Foley	Lucas
Baker (CA)	Forbes	Manton
Baker (LA)	Fowler	Manzullo
Baldacci	Fox	Martinez
Ballenger	Franks (CT)	Martini
Barr	Franks (NJ)	Mascara
Barrett (NE)	Frelinghuysen	Matsui
Bartlett	Frisa	McCollum
Barton	Frost	McCrery
Bass	Funderburk	McHale
Bateman	Galleghy	McHugh
Bentsen	Ganske	McInnis
Bereuter	Gejdenson	McKeon
Bilirakis	Gekas	McNulty
Bishop	Geren	Meek
Bliley	Gibbons	Metcalfe
Blute	Gilchrest	Meyers
Boehlert	Gilman	Mica
Boehner	Gonzalez	Millender
Bonilla	Goodlatte	McDonald
Bono	Goodling	Miller (FL)
Borski	Gordon	Moakley
Boucher	Goss	Molinar
Brewster	Graham	Mollohan
Browder	Green (TX)	Montgomery
Brown (FL)	Greene (UT)	Moorhead
Brownback	Greenwood	Morella
Bryant (TN)	Gunderson	Murtha
Bunn	Gutknecht	Myers
Bunning	Hall (OH)	Myrick
Burr	Hall (TX)	Nethercutt
Burton	Hamilton	Neumann
Buyer	Hancock	Ney
Callahan	Hansen	Norwood
Calvert	Harman	Nussle
Camp	Hastert	Ortiz
Campbell	Hastings (FL)	Orton
Canady	Hastings (WA)	Oxley
Castle	Hayworth	Packard
Chabot	Hefley	Pallone
Chambliss	Hefner	Parker
Chapman	Heineman	Pastor
Chenoweth	Herger	Paxon
Christensen	Hillery	Payne (VA)
Chrysler	Hobson	Peterson (FL)
Clayton	Hoekstra	Peterson (MN)
Clement	Hoke	Pickett
Clinger	Holden	Pombo
Clyburn	Horn	Pomeroy
Coble	Hostettler	Porter
Coburn	Houghton	Portman
Coleman	Hoyer	Pryce
Collins (GA)	Hunter	Quillen
Combest	Hutchinson	Quinn
Condit	Hyde	Radanovich
Cooley	Inglis	Rahall
Costello	Istook	Regula
Cox	Jackson-Lee	Richardson
Cramer	(TX)	Riggs
Crane	Jefferson	Roberts
Crapo	Johnson (CT)	Roemer
Creameans	Johnson, E. B.	Rogers
Cubin	Johnson, Sam	Rohrabacher
Cunningham	Jones	Ros-Lehtinen
Davis	Kasich	Rose
de la Garza	Kelly	Roth
Deal	Kennedy (RI)	Royce
DeLauro	Kennelly	Sabo
DeLay	Kildee	Salmon
Deutsch	Kim	Sanford
Diaz-Balart	King	Sawyer
Dickey	Kingston	Scarborough
Dicks	Klink	Schaefer
Dixon	Klug	Schiff
Dooley	Knollenberg	Scott
Doolittle	Kolbe	Seastrand
Dorman	LaFalce	Shadegg
Dynia	LaHood	Shaw
Ehlers	Lantos	Sisuster
Evans	Largent	Skaggs
Fattah	Latham	Skeen
Flner	LaTourette	Skelton
Flake	Laughlin	Smith (MI)
Foglietta	Lazio	Smith (TX)
Ford	Leach	Smith (WA)
Frank (MA)	Levin	Solomon
Furse	Lewis (CA)	Souder
Gephardt	Lewis (KY)	
Gutierrez	Ewing	

Spence	Thornberry	Watts (OK)
Spratt	Thurman	Weldon (FL)
Stenholm	Tiahrt	Weldon (PA)
Stump	Torkildsen	Weller
Talent	Torricelli	White
Tanner	Trafilant	Whitfield
Tate	Upton	Wicker
Tauzin	Volkmer	Wilson
Taylor (MS)	Vucanovich	Wise
Taylor (NC)	Walker	Wolf
Tejeda	Walsh	Young (AK)
Thomas	Wamp	Young (FL)
Thompson	Ward	Zeliff

NOT VOTING—14

Berman	Gillmor	Moran
Bevill	Hayes	Saxton
Bilbray	Lincoln	Smith (NJ)
Cardin	McDade	Thornon
English	McIntosh	

□ 1924

Mr. UPTON, Mr. GENE GREEN of Texas, Mrs. MYRICK, and Mrs. CLAYTON changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT, AS MODIFIED, OFFERED BY MRS. SCHROEDER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment, as modified, offered by the gentlewoman from Colorado [Mrs. SCHROEDER], on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 148, noes 265, not voting 21, as follows:

[Roll No. 244]

AYES—148

Ackerman	Dooley	Kaptur
Allard	Doyle	Kennedy (MA)
Baessler	Duncan	Klecicka
Baldacci	Durbin	Klink
Barrett (WI)	Ehlers	Klug
Becerra	Engel	LaFalce
Bellenson	Eshoo	Lantos
Bentzen	Evans	Levin
Berman	Farr	Lewis (GA)
Blumenauer	Fattah	Lipinski
Blute	Fazio	LoBiondo
Bonior	Finer	Lofgren
Borski	Flake	Lowe
Brown (CA)	Foglietta	Luther
Brown (OH)	Ford	Maloney
Bryant (TX)	Frank (MA)	Manton
Campbell	Franks (NJ)	Markey
Chrysler	Furse	Martini
Clay	Gephardt	Mascara
Clayton	Green (TX)	McCarthy
Collins (IL)	Gutierrez	McDermott
Collins (MI)	Hall (TX)	McKinney
Condit	Hilliard	Meehan
Conyers	Hinchey	Menendez
Coyne	Holden	Miller (CA)
Cummings	Jackson (IL)	Minge
Danner	Jackson-Lee	Mink
DeFazio	(TX)	Moakley
Dellums	Jacobs	Morella
Deutsch	Johnson (SD)	Nadler
Dingell	Johnston	Neal
Doggett	Kanjorski	

Neumann
Oberstar
Obey
Oliver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (MN)
Petri
Pomeroy
Poshard
Ramstad
Rangel
Rivers
Roemer

NOES—265

Abercrombie
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Billrakis
Bishop
Billey
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Clement
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Cooley
Costello
Cramer
Crane
Crapo
Creameans
Cubin
Cunningham
de la Garza
Deal
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dornan
Dreier
Dunn
Edwards
Ehrlich
Emerson
Ensign

Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frist
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gibbons
Gilchrist
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Heger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Ingalls
Istook
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham

Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmeyer
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wynn
Yates
Zimmer

LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
Martinez
Matsui
McCollum
McCrery
McInnis
McKeon
McNulty
Metcalfe
Meyers
Mica
Millender-
McDonald
Miller (FL)
Molinar
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Rahall
Reed
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Schiff
Scott
Seastrand
Shade
Shaw
Shuster
Siskisky
Skeel
Skelton

Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souders
Spence
Spratt
Stearns
Stockman
Stump
Talent
Tanner
Tate
Tauzin

Bevill
Bilbray
Cardin
Clinger
Cox
Davis
English

NOT VOTING—21

Gillmor
Gonzalez
Hayes
King
Lincoln
McDade
McHugh

Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp

McIntosh
Meek
Moran
Quinn
Saxton
Smith (NJ)
Thornton

Klug
LaFalce
LaHood
Lantos
Latham
LaTourette
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markley
Martini
Mascara
McCarthy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Menendez
Metcalfe
Millender-
McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley

Morella
Nadler
Neal
Neumann
Ney
Nussle
Oberstar
Obey
Oliver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (MN)
Petri
Pomeroy
Porter
Portman
Poshard
Ramstad
Rangel
Riggs
Rivers
Roemer
Rohrabacher
Roth
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Schroeder

Schumer
Sensenbrenner
Serrano
Shays
Skaggs
Slaughter
Smith (MI)
Smith (WA)
Spratt
Stark
Stokes
Studds
Stupak
Thurman
Tiahrt
Torres
Torricelli
Towns
Upton
Velazquez
Vento
Volkmeyer
Wamp
Waters
Watt (NC)
Waxman
Weller
Williams
Wise
Woolsey
Wynn
Yates
Zimmer

NOES—219

Abercrombie
Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Billrakis
Bishop
Billey
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Chambliss
Chenoweth
Christensen
Clement
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Cooley
Costello
Cramer
Crane
Crapo
Creameans
Cubin
Cunningham
de la Garza
Deal
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dornan
Dreier
Dunn
Edwards
Ehrlich
Emerson
Ensign

Dornan
Dreier
Dunn
Edwards
Ehrlich
Emerson
Everett
Fields (TX)
Forbes
Fowler
Franks (CT)
Frelinghuysen
Frist
Frost
Funderburk
Gallegly
Gejdenson
Gekas
Geren
Gibbons
Gilman
Gonzalez
Goodling
Goss
Graham
Greene (UT)
Hall (OH)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Heger
Hilleary
Hobson
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Ingalls
Istook
Jefferson
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee

Kim
Klink
Knollenberg
Kolbe
Largent
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
Martinez
Matsui
McCollum
McCrery
McKeon
Meek
Meyers
Mica
Molinar
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers
Myrick
Nethercutt
Norwood
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Pickett
Pombo
Pryce
Quillen
Radanovich
Rahall
Reed
Regula
Richardson
Roberts
Rogers
Ros-Lehtinen
Rose
Royce
Salmon
Sawyer
Scarborough
Schaefer

□ 1931

Mr. GORDON changed his vote from "aye" to "no."

So the amendment as modified was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SHAYS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut [Mr. SHAYS] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 194, noes 219, not voting 21, as follows:

[Roll No. 245]

AYES—194

Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Bellemson
Bentsen
Berman
Blumenauer
Blute
Bonior
Borski
Brown (CA)
Brown (OH)
Bryant (TX)
Bunn
Camp
Campbell
Castle
Chabot
Chapman
Chrysler
Clay
Clayton
Collins (IL)
Collins (MI)
Condit
Costello
Coyne

Cummings
Danner
Deal
Furse
DeFazio
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Dunbar
Ehlers
Engel
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Ford
Fox

Frank (MA)
Franks (NJ)
Furse
Ganske
Gephardt
Gilchrist
Goodlatte
Gordon
Green (TX)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hilliard
Hinche
Hoekstra
Hoke
Holden
Jackson (IL)
Jackson-Lee
(TX)
Jacobs
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kingston
Kleczka

Schiff	Stockman	Vucanovich
Scott	Stump	Walker
Seastrand	Talent	Walsh
Shadegg	Tanner	Ward
Shaw	Tate	Watts (OK)
Shuster	Tauzin	Weldon (FL)
Siskis	Taylor (MS)	Weldon (PA)
Skeen	Taylor (NC)	White
Skeltan	Tejeda	Whitfield
Smith (NJ)	Thomas	Wicker
Smith (TX)	Thompson	Wilson
Solomon	Thornberry	Wolf
Spence	Torkildsen	Young (AK)
Stearns	Trafficant	Young (FL)
Stenholm	Vislosky	Zeliff

NOT VOTING—21

Ackerman	Davis	McDade
Bevill	English	McHugh
Billbray	Gillmor	McIntosh
Cardin	Hayes	Quinn
Clinger	Johnson, E.B.	Saxton
Conyers	King	Souder
Cunningham	Lincoln	Thornton

□ 1939

Mr. PORTMAN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HOKE

Mr. HOKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOKE: At the end of the bill (before the short title), insert the following new section:

SEC. 8095. None of the funds available to the Department of Defense under this Act may be obligated or expended to procure landing gear for aircraft except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the manufacturer of the item is part of the national technology and industrial base;

(2) the landing gear is manufactured and assembled in the United States; and

(3) the contract through which the procurement is made is entered into more than 30 days after the date of the enactment of this Act: *Provided*, That contracts existing on the date of enactment of this Act and existing or subsequent options in such contracts through January 1, 2000 are not covered by this section if the Secretary of the military department which issued the aircraft production contract certifies to the Appropriations Committees of the House and Senate that purchasing landing gear under the terms of this section will create a significant adverse technical, cost, or schedule impact on the aircraft production program.

Mr. HOKE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HOKE. Mr. Chairman, this is the amendment as originally published in the RECORD with an addition to it that clarifies the intent that the gentleman from Ohio [Mr. TRAFICANT] and I had with respect to the amendment.

The clarification makes it clear expressly that the amendment does not apply to existing contracts on the date of enactment of the act or to subsequent options in such contracts

through January 1, 2000. This was included at the request of the chairman of the subcommittee.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. HOKE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

Mr. Chairman, we reviewed this amendment and asked the gentleman to modify his amendment, which he did. We are prepared to accept it on that basis.

Mr. HOKE. Mr. Chairman, I thank the gentleman for accepting the amendment. I would like to say just very, very briefly that what this does is essentially it is a "Buy American" amendment that applies to landing gear with certain exceptions and its makes it clear that the landing gear that will go on our military aircraft will, to the extent possible, be manufactured and assembled in the United States of America.

Mr. Chairman, I yield to my good friend from Youngstown, OH, Mr. TRAFICANT.

Mr. TRAFICANT. Mr. Chairman, this is a good amendment, it will save a lot of jobs, and I appreciate the committee happily accepting it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. HOKE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KENNEDY of Massachusetts: Page 87, after line 3, insert the following new section:

SEC. . (a) None of the funds appropriated or otherwise made available by this Act for the Department of Defense specimen repository described in subsection (b) may be used for any purpose except in accordance with the requirement in paragraph numbered 3 of the covered Department of Defense policy memorandum that specifically provides that permissible uses of specimen samples in the repository are limited to the following purposes:

(1) Identification of human remains.

(2) Internal quality assurance activities to validate processes for collection, maintenance and analysis of samples.

(3) A purpose for which the donor of the sample (or surviving next-of-kin) provides consent.

(4) As compelled by other applicable law in a case in which all of the following conditions are present:

(A) The responsible Department of Defense official has received a proper judicial order or judicial authorization.

(B) The specimen sample is needed for the investigation or prosecution of a crime punishable by one year or more of confinement.

(C) No reasonable alternative means for obtaining a specimen for DNA profile analysis is available.

(b) The specimen repository referred to in subsection (a) is the repository that was established pursuant to Deputy Secretary of Defense Memorandum 47803, dated December

16, 1991, and designated as the "Armed Forces Repository of Specimen Samples for the Identification of Remains" by paragraph numbered 4 in the covered Department of Defense policy memorandum.

(c) For purposes of this section, the covered Department of Defense policy memorandum is the memorandum of the Assistant Secretary of Defense (Health Affairs) for the Secretary of the Army, dated April 2, 1996, issued pursuant to law which states as its subject "Policy Refinements for the Armed Forces Repository of Specimen Samples for the Identification of Remains".

Mr. KENNEDY of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I have spoken with my friend, the chairman of the committee, as well as Mr. MURTHA about this provision. These provisions deal with what is an exciting new development in the human genome project and the fact that there will probably be no larger group of donors of DNA and genetic information than all of the members of our military that will be required to provide DNA samples.

Under current Pentagon policy, the use of genetic information only goes to the identification of remains or for the investigation of the prosecution of a crime.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I know the gentleman from Florida [Mr. YOUNG] and I have looked at this. This is, I think, an important safeguard that is necessary. It may need to be cleaned up, but I certainly have no problem with it.

Mr. KENNEDY of Massachusetts. I appreciate that.

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman will yield, we are prepared to accept it and move on to the next amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate the cooperation of both the chairman and the ranking member.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

The amendment was agreed to.

□ 1945

Mrs. FOWLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is for the purpose of entering into a colloquy with the chairman of the Subcommittee on National Security on the question of funding reductions to Defense Business

Operations Fund activities, which are included in his bill.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mrs. FOWLER. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I would be more than happy to engage in such a colloquy.

Mrs. FOWLER. Mr. Chairman, I note that the committee has reduced funding for Army and Navy activities in the Defense Business Operations Fund by \$500 million to reduce funded carryover of these activities. I hope that I can receive some clarification from the chairman on how the committee intends to distribute this reduction. Could the gentleman provide some assurance that the committee intends to apply this reduction in a manner that is directly proportionate to the level of projected carryover assignable to each of the various kinds of DBOF activities?

I ask this because I am aware that the Naval Aviation Depots' budgets were reduced in the Department of Defense review of the Military Services' budget request. I am concerned about the possibility that further reductions could be applied in an inequitable manner. I would also note that the Department of Defense has convened a study group to consider modifications to the DOD policy in this area.

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman will continue to yield, let me assure my colleague from Florida that it is the committee's intent to reduce these accounts in a manner that reflects the various DBOF activities' proportionate share of the total carryover. The committee does not intend to impose an excessive or inappropriate burden on any one kind of DBOF function or activity.

Mrs. FOWLER. Mr. Chairman, reclaiming my time, I thank the gentleman from his clarification. I also want to praise the chairman and his committee for the outstanding product they have brought us today. His bill makes significant improvements over the administration's request by enhancing readiness, modernization, and military quality of life.

I strongly support passage of this bill, and urge my colleagues to do the same.

Mr. TORRES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to enter into a colloquy with the gentleman from Florida, Chairman YOUNG, at this time.

I deeply appreciate Chairman YOUNG's efforts to improve the readiness of our U.S. Armed Forces to conduct operations in chemical and biological operations and their environment. I fully support the chairman's request for increased appropriations for the procurement of protective chemical-biological clothing.

Mr. Chairman, I have brought to the subcommittee's attention an offer to provide the Armed Services with just such individual protective clothing which may result in a cost savings to the American taxpayer. Discussions which are ongoing with our Armed Services on this offer require additional discussions, and I am seeking the chairman's support in assisting me to resolve these discussions during the conference process.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. TORRES. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for bringing this matter to our attention and assure him that we will look forward to working with him between now and conference to come to a final resolution on this matter.

Mr. TORRES. Mr. Chairman, reclaiming my time, I thank the gentleman for taking this under consideration.

AMENDMENT OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DEFAZIO: At the end of the bill (before the short title), insert the following new section:

SEC. . None of the funds provided in this Act for the National Missile Defense program may be obligated for space-based interceptors or space-based directed-energy weapons.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. DEFAZIO. Mr. Chairman, reserving the right to object, we talked about 30. Did the gentleman just say 20?

Mr. YOUNG of Florida. Mr. Chairman, I said 20, and that was my preference.

Mr. DEFAZIO. Mr. Chairman, when I discussed it earlier with the ranking member—

Mr. YOUNG of Florida. All right, Mr. Chairman, I withdraw that request, and let me offer another unanimous-consent request.

Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 30 minutes and that the time be equally divided, and, hopefully, we will not use all the time.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Oregon [Mr. DEFAZIO] and the

gentleman from Florida [Mr. YOUNG] will each be recognized for 15 minutes.

The Chair recognizes the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

The amendment before the House is quite simple. It says, and I can read it because it is so brief, "None of the funds provided in this act for the national missile defense program may be obligated for space-based interceptors or space-based directed energy weapons."

The intent of this amendment is to have the Pentagon focus on effective missile defense; that is, theater missile defense and other national missile defense initiatives which have great promise, and not to spin off back into space in the fantasy of star wars once again.

As we know from our last experiences with star wars, it has an infinite capacity to consume funds. We have had much debate here today about scarce resources at the Pentagon, and I believe adopting this amendment will help the Pentagon to focus more effectively on the technologies that have the most promise to defend the United States of America and defend our allies.

It will not impact theater missile defense; it will not impact the Nautilus program, which is being developed in concert with Israel; it will not impact the Navy Upper Tier program; it will not impact the three-plus-three BMDO proposal; it will not impact the LEAP proposal of the Navy; it will not impact the EKV proposal of the Army. But what it does, within the context of this bill, which will provide \$3.2 billion for missile defense programs of all types, it will prevent movement and dispersal of scarce funds into space-based fantasies.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. THORNBERRY].

Mr. THORNBERRY. Mr. Chairman, I would like to begin by putting this amendment in a little bit of context, because I think the American people do not understand exactly where we are with regard to missile defense.

There are missiles that threaten people in the United States today. There are some now and there will be more in the future. There gets to be a debate about how quickly we will have more and how quickly other countries will have this capability, but there will be more and nobody denies that.

Second, there is absolutely nothing that we can do today to stop a missile from hitting the United States. That is a fact. The children in this country are absolutely vulnerable, as is everyone else, to a missile attack by a country that has missiles now or someone that may have missiles in the future.

This amendment asks us to tie one hand behind our back as we seek to find the best way to meet that threat in the future. The truth is this is not the area where most of the work is going on now. It is not the area that offers the best possibility for an immediate kind of protection against a small sort of launch, but it is something we should explore.

We ought to look ahead to the kinds of threats we will have in the future and the best and most effective ways to prevent it in the future, and that is why I think it is foolish for us to tie one hand behind our back as this amendment seeks to do. We should explore all the options and we should take advantage of the best option to protect our people and our children, because I think that is the first obligation of this Congress and the defense that we are responsible for.

Mr. DEFazio. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I rise in support of the amendment offered by my colleague from Oregon. I do so as a supporter of ballistic missile defense, both national and theater, and I do so as a supporter of the plus-up that the Committee on National Security and the appropriations subcommittee have given national missile defense.

Used wisely, this extra sum of \$300 million to \$350 million will take us, I think, to the point in 3 years where we will have a ground-based interceptor to test, and once we have it to test, we can decide if we want to move forward with it and deploy it in 3 more years.

A lot of people in this institution, this House, like the last speaker, decry the fact that we do not have ballistic missile defense. Let me tell my friends it is not for want of spending money. Since Ronald Reagan made his speech in March 1983, we have spent over \$35 billion in pursuit of ballistic missile defenses, strategic defense. And a good bit of that, at least at the outset, was spent on space-based lasers.

To start with, there was the x-ray laser, which was to be the coup de grace. It was to be the ultimate answer to ballistic missile defense. It did not pan out. Then there was the excimer laser, and the free electron laser, both of which would have been ground-based, but they could not propagate a beam through the atmosphere without gross corrections. And then there were three or four or five different kinds of chemical lasers, and none of them has yet come to fruition, proved its efficacy as a system that can be so-called weaponized.

We have spent more money on space-based interceptors, something called Brilliant Pebbles. The idea once was to launch thousands of these cheap small satellites encircling the globe in low-earth orbit. We built Endo- and Exo-atmospheric interceptors.

If there is any lesson learned from all of this, it is simply this: It is not for lack of funding but lack of focus that we do not have anything to deploy that we can call strategic or national missile defense today. And if there is anywhere that the lack of focus has cost us more, there is nowhere more that it has cost us and bought us less than in the area of directed energy systems or spaced-based laser systems.

Now, I support a reasonable level of research on these space-based systems, on these directed energy laser systems. One day they may realize their potential. They may transform missile defense and other forms of military defense. But this amendment, the Defazio amendment, does not preclude this kind of research. That is because this amendment does not cut the President's request for research in another ballistic missile defense account called the advanced technology line. It leaves that line untouched and unaffected.

This amendment also does not prohibit or affect at all tactical laser systems, like the Nautilus, which we are pursuing jointly with Israel right now. That is because this is funded in the Army's R&D budget. This applies only to national missile defense and says as to it, we can do research but we cannot pursue national missile defense systems which include a space-based laser.

The technology to make space-based lasers militarily useful is simply years, decades away from fruition, and the cost of developing and deploying lasers or interceptors in space is far beyond anything we can afford in this tight budget. If we try it, we will only drain dry our conventional military systems.

So this amendment keeps us from going down a very costly and maybe ultimately fruitless road.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I appreciate the gentleman's yielding. I just want to associate myself with the gentleman's remarks.

I believe that we should move forward with a treaty compliant ground-based system. I am not at all opposed to doing research on advanced systems, but I think any effort to procure them or to move ahead rapidly to a space-based system violates—

Mr. SPRATT. I yield to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, as I said, that would violate the ABM agreement and would be a very serious mistake.

I appreciate the gentleman, all his hard work and his effort and expertise on this matter, and, in my judgment, a ground-based system could be effective; and, frankly, I think the real threat to America is terrorism and, in my judgment, we should be doing more about that. I think that is more of a threat than a ballistic missile attack from an enemy.

Mr. SPRATT. Mr. Chairman, reclaiming my time, I would say that for those Members, like the gentleman from Washington and myself who support some form of ballistic missile defense, national missile defense, the way to go, the sensible approach is with a ground-based system. That is the near-term system that is attainable right now.

This amendment is important because it keeps us focused on that with limited amounts of money to spend. If we are going to have a ground-based system, we can only accomplish it by staying focused and staying disciplined.

Mr. DICKS. Mr. Chairman, if the gentleman will continue to yield, the other thing is, our first priority has to be theater missile defense and CorpsSAM. When we deploy troops, we have to be able to defend those troops, and I think the priorities the administration has are correct on this.

□ 2000

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I think it is interesting just to listen to that conversation that just preceded us. The two gentlemen were talking past each other. One was talking about the ground-based system and the other was talking about some system that is out there in the hinterlands for a theater-based defense, and they are not necessarily the same. So, they were not necessarily in agreement.

Look, the liberals have been saying since Gen. Daniel Graham came out with what they called the star wars system, they have been saying it does not work. Technology is not capable of delivering such a system. You cannot possibly shoot down an incoming missile. They said that all the way through the eighties.

All of a sudden, in the nineties, we started developing these systems and they started realizing, well, so much for that argument. It is gone. Because it is technologically capable. Then they said, well, we cannot develop a space-based system or lasers will never work.

Well, if lasers never work, how come the Israelis want one right now that has been utilized in the deserts of Arizona or New Mexico and actually shot down incoming targets? And Israel says that is so neat, we would like to have it.

The liberals are saying, oh, my goodness, we cannot have a space-based laser. They are not saying it is not technologically possible. They are saying it is not treaty-compliant. What treaty are they talking about? The ABM Treaty. The treaty that was confected between the United States

and a country that used to be called the Soviet Union, a monolithic totalitarian government comprised of some 16 entities, some of which do not even exist today, and certainly that entity does not exist today.

Mr. Chairman, even if we were compliant with that treaty, which was probably bad news back then, it certainly did not apply to this highly technological age of ours today where the North Koreans, the Chinese, the Iranians, the Iraqis and everybody else who is of ill will in the world will have the capability of putting ballistic missiles together with nuclear warheads, chemical warheads, or biological warheads and dropping them on New York. And we are going to say we are not going to deploy those space-based opportunities because we do not want to spend our money?

Everybody knows the ground-based system that the gentleman already talked about is the most expensive system we already have. The space-based system actually is the cheapest. The one in between is the Navy system, which probably could be deployed by the year 2000.

Mr. Chairman, the gentleman has amended the Republican plan which would call for deployment by the year 2003 by saying, well, he has got a better amendment. We can develop a system in the year 2000 which may or may not be deployed by 2003.

Weasel words. We will never deploy it if it is up to the gentleman who proceeded me in the well. The fact is he does not want an antiballistic missile system. He does not want to protect the American people. He is willing to hide behind words and good thoughts as much as he possibly can, but he does not want a missile defense system that will protect the American people or our troops, as was indicated was the preference of the gentleman from Washington.

Now, we are going to have to have a system. We can deploy a system. And whether it is space based or sea based or land based, whether it is lasers or whatever it is, it ought to be the most effective system that money can buy, and it ought to be the most cost-effective system that we can get. We should not be standing here in the well of this House of Representatives and saying one technology is off limits for whatever reason.

Mr. Chairman, that is insane. We might as well be saying we are going to tie our hands behind our backs and not defend the American people. Is that what my colleagues on the other side of the aisle want? If that is what they want, they should vote for DeFazio. If it is not what they want, they should vote against it.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I began my last statement by saying I am a

supporter of ballistic missile defense, and in years past when our side was in the majority, on several occasions I came to the floor when my own committee had cut the request for national missile defense and offered amendments which plussed it back up, which prevailed in the House.

Mr. Chairman, I supported ballistic missile defense and support it now on the ground, because I think it is an attainable system. But I also think, and the chairman of the Committee on Appropriations knows well, that we have a terribly tight defense budget. If we are going to put national defense, missile defense in place by the year 2003, we have got to keep it focused on a basic system that we can, indeed, deploy.

Mr. Chairman, we are very close to being able to deploy a ground-based system which is cheaper than a laser-based system. BMDO put our cost estimates in March of 1995, which placed the cost of space-based lasers at \$20 billion, \$30 billion, \$40 billion. Those were extrapolations. Nobody knows for sure, because it is a very, very embryonic technology. We have years to go.

There is another problem with space-based, or any kind of space-based systems, and that is their inherent vulnerability. Because once they are placed in space in fixed orbit, then they can be taken out in fixed orbit. They can be taken out by any country which is our adversary and can launch an ICBM that would truly be a threat to us. They can fire an ICBM against it, or they can use an antisatellite system which itself is space-based. They could even launch a space-based laser against it.

So, Mr. Chairman, one of the reasons that BMDO abandoned space-based systems some time ago in preference for ground-based, at least as a first stages, is the inherent vulnerability of predeployed assets in space, lasers and interceptors.

Mr. Chairman, I am against wasting more money on deployment; not on research. I specifically made that clear. This allows research to continue. But against pursuing the deployment of these systems, because they would preclude the one thing that is attainable in the near term: ground-based interceptors.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to say to the distinguished gentleman from Louisiana [Mr. LIVINGSTON], that the gentleman from South Carolina and myself, the former chairman of the Senate Arms Services Committee, are all people who are committed to deploying a system. We think that a thin system that is treaty-compliant is the right way to go because we think it is attainable. We think it does not start

an arms race with the other side, and it will be less expensive.

Now, what I said, and I think the gentleman misunderstood me, is that it is crucial. First of all, if we are going to send 500,000 troops to the Gulf again, I want them to go with theater missile defense, PAC-3, THAD, and using Navy ships with the standard missile. I think that is a good approach to defending our troops in the field. To me, that should be the highest priority.

Mr. Chairman, when we are sending men and women into combat, they have to have protection from scud missiles and other launchers. That should be first.

And then, second, we should keep working on deploying this system. We are prepared to go in that direction, and we should continue to do the research on the other, more exotic layered systems, but I think we should not deploy them; as long as we are going to maintain the ABM agreement, I do not think they should be deployed.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, three points. First of all, the gentleman that preceded me is talking about the use of existing technology, which means we could deploy that right now. We have that equipment. That is not the issue.

The gentleman is trying to substitute existing technology for future technology. The fact is, in answer to the gentleman who preceded him, Mr. SPRATT, the fact is any system is vulnerable to some degree. I mean, you could take out a ground-based system; you could take out a sea-based system; you could take out a space-based system. They are all vulnerable. The point is, are we going to provide some umbrella of protection for the American people?

Mr. Chairman, I happen to think we should look for the best technology at the best available price, and we should not start blocking out certain technologies just because they happen to be exotic for somebody who never believed in them in the first place. That is exactly the position of the author of this amendment.

Mr. Chairman, I would hope that Members would understand, we are not the experts. Let us develop the system. Actually, I have read the language very carefully, from the gentleman from South Carolina [Mr. SPRATT] to the ballistic missile defense program or the bill that we have offered on the floor, and he does not commit to deploying. The gentleman says he looks forward to developing a system that may be deployed by the year 2003.

Mr. Chairman, we say we will deploy by the year 2003. There is a gulf of difference between those two positions. I

say we should be deploying and we should be looking forward to the best, cheapest, most effective system to protect the American people. Anything less than that is an abdication of our responsibility to them, our constituents.

Mr. DEFAZIO. Mr. Chairman, I yield 30 seconds to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, the question is, what are we going to deploy? What is there to deploy? Are we going to fly before we have done the technology and worked it out and proven it will work? That is a prescription for throwing money at the problem in a ideological overreaction.

Mr. Chairman, let us try to go with technology that we know something about that will work, that will give us limited protection, because that is all we are going to get.

Mr. YOUNG of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, star wars is the Freddie Krueger of defense. It simply will not die.

Mr. Chairman, this amendment is very simple. If Members oppose star wars, vote "yes" on this amendment. If they want to revive star wars, an ill-fated taxpayer boondoggle that has never done anything for the American people's defense, then oppose this amendment. It is very simple.

Mr. Chairman, if Members think it was not enough to take \$30 billion of taxpayers' money to put into this program that never proved out, was never able to be deployed in the 1980's, then vote "no" on this amendment. To spend more money on star wars is like spending more money on the Edsel. It simply will not work no matter how hard we try. It is very simple.

Finally, if we want to take limited defense dollars and ultimately put them in a space-based system that is unproven, rather than military construction, military pay raises, theater missile defense, if Members want to take money out of their terribly important defense programs and put it once again into star wars, which I thought my Republican colleagues said in the defense bill debate right on this floor last year they had no interest in, if Members want to do all of that, they should vote "no" on this amendment.

If my colleagues think it is time to put a stake in the heart of this modern-day Dracula known as star wars, then vote "yes" for this amendment.

Mr. DEFAZIO. Mr. Chairman, could I inquire as to the remaining time?

The CHAIRMAN. The gentleman from Oregon [Mr. DEFAZIO] has 4½ minutes remaining, and the gentleman from Florida [Mr. YOUNG] has 8 minutes remaining.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WOOLSEY].

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, just when we thought star wars was relegated to the video rental store, it comes back as national policy.

Mr. Chairman, it is unbelievable that in the same week that the Gingrich Congress passed a budget that hurts seniors, hurts children, and hurts the environment, we are considering spending \$245 billion on the military. This bill that we are talking about now will accelerate the space-based star wars program and wind up costing \$30 billion to \$40 billion by the time the project is completed.

That is not science fiction, folks; it is double-feature horror show: yesterday's conference report and today's defense bill.

Mr. Chairman, I rise in support of the DeFazio amendment because the Nation cannot waste \$30 billion to \$40 billion on a space-based star wars system.

When our seniors are losing the guarantee of high-quality health care, this Nation cannot afford to waste \$30 billion to \$40 billion on a space-based star wars system when our young people cannot afford to go to college.

This Nation cannot afford to waste \$30 billion to \$40 billion on a space-based star wars system when poor children are losing the guarantee of basic health care.

Mr. Chairman, let us ground ourselves in reality for a moment. The United States spends as much on the military as all of our allies combined. We spend 100 times more money on the military than Iraq. Iraq, which is the biggest spender among the rogue nations.

This Nation cannot afford to waste \$30 billion to \$40 billion on a space-based star wars system when the threat of a missile attack has been reduced by the end of the cold war.

Inventing a threat in order to justify this star wars gravy train for defense contractors is simply irresponsible.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I remember the debate last year when the gentleman from Texas [Mr. EDWARDS] stood on this side and a Member on the other side kept saying, "I wish you would not say star wars." We are not talking about star wars. We are not going back to star wars. Star wars was a failure. We are talking about ballistic missile defense and things that are workable.

Mr. Chairman, here we are now a year later, and we want to open that door again. As we heard so ably discussed by the gentleman from South Carolina [Mr. SPRATT] and the gentleman from Washington [Mr. DICKS], there is technology out there which exists, which can potentially defend the United States against these threats that we hear so much about, the rogue

nations and the single or the few multiple missiles.

But what we are talking about here, if this amendment is defeated, is opening the door again to the star wars fantasy to spend another \$30 billion to \$60 million, which is estimated by the majority's own Congressional Budget Office. They came up with the \$30 billion to \$60 billion estimate for star wars.

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That is why the bill was pulled about a week and a half ago from the floor of the House. So let us focus our scarce resources on something that might provide benefit for the United States of America in terms of defending our own Nation against rogue nations, which might, in fact already has defended our troops when they are deployed overseas hopefully defend some of our allies overseas in the co-development with Israel of the Nautilus program.

This amendment allows the TMD, the Nautilus, the Navy Upper Tier, the 3 plus 3 BMDO, the LEAP, the EKV; all those programs can go forward. They are all technologies that have a good chance of working.

What it does say is that we are not going to move ahead to deployment of a \$30- to \$60 billion boondoggle that will not do anything to defend our Nation.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of my time.

Mr. DORNAN. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from California.

Mr. DORNAN. Mr. Chairman, I wish you could understand how silly it sounds, all these references to star wars, to talk about all these other theater missile defense systems that are working. Where do my colleagues think all that technology came from?

This is simply a funding limitation, doing something to ourselves that no other Nation is doing to itself. This is an R&D program, and to not spend this, and this is why I am shocked by some of the strong Democrat defense eagles on the other side, not clearing the air here. Stop this silly rhetoric, and let us not hamstring ourselves in a dangerous world. Do my colleagues not take questions at townhall meetings that indicate that this country is still undefended from a rogue missile?

Mr. YOUNG of Florida. Mr. Chairman, the author of the amendment has suggested all the things that we can do under his amendment. But there are some things that we cannot do. We restrict the ability under this amendment to move into some types of technology that really look like they might be very promising and very clean and very efficient.

I would give the example, the U.S.-Israeli program referred to as Nautilus, a laser program missile defense program. It seems to have a tremendous

amount of promise, and we are funding it in this bill. Except for the range involved, it is not unlike the type of laser that we might be talking about. The point is that may or may not be the system that we would deploy eventually. But we should not deny ourselves the opportunity to investigate, to search out, to find out what really would be the best way to defend our Nation against a rogue attack or in the future, who knows, against an intentional attack.

We know the threat is growing. The point is that we do not have the ability to defend this Nation against an incoming missile. We all know that in this Chamber. There may be some who do not believe that. But that is the fact.

The gentleman from Pennsylvania [Mr. MURTHA] and I, because of the positions that we hold in this Congress, have the opportunity to know whether we have that kind of a protective device or not. The answer is we do not.

It is interesting. Just about 3 weeks ago I was talking with a group of business people, some of who were involved in military industry. And one of the persons who really should know said to me: Look, I do not care what you guys say. I know you have something out there to defend us if the enemy should send a missile or whether it should come by mistake or however it might come.

Of course we know that the North Koreans are developing longer-range missiles all the time. We know that Libya and Iraq and countries like those are and have been developing weapons of mass destruction that could easily fit on a North Korean No Dong missile.

We also know that Iran is willing to put up plenty of money to harass the United States and our interests. So the threat is there, and the threat is growing.

We ought not to deny ourselves the opportunity to really find out what is the best way to defend our Nation. The administration says we do not have to worry about this for at least 15 years. I disagree with that. I think the capability on the part of a rogue nation will be there long before the 15-year period, and I think even the gentleman from Washington [Mr. DICKS] would agree with that.

Here is what I want to tell Members. Despite the gentlemen in industry who told me we really have something, in your town hall meetings, in your meeting with children in schools, the question comes up about defending America from missile attacks. Most of the people in our country believe that somewhere, someone has the answer, has something to pull out of the magic hat to defend our Nation. The fact is we do not.

When Pearl Harbor was attacked, I was just a little kid. I was growing up in a small coal mine town in western

Pennsylvania. We did not have television back then, so we did not know too much about what was happening. But the radio accounts and the newspaper accounts were frightening to young kids who wondered if we were going to be invaded next week or next month because we had suffered such a devastating blow in Pearl Harbor.

As I began to learn more about what was happening, as our Nation rebuilt after Pearl Harbor, we had time in those days; we would not have time today. I began to realize that in America someone was looking out for me and all the other little kids in my same generation. And they did. They came back and rebuilt the armies and the navies and the air forces. After a tremendous struggle, tremendous sacrifice, tremendous loss of life, we won World War II. Today those kids in those schoolrooms where you go to visit believe that we have the capability to defend your Nation against an incoming missile. They think in their hearts, like I did when I was a kid, and I will bet many of you did, that, OK, so there is a threat out there; but someone somewhere is going to make sure that we have whatever it is we need should the time ever come.

Mr. Chairman, that is us. We are the ones that those young kids of today believe have something somewhere to take care of the Nation should that attack ever come. That is us. And that vote is here today on this amendment.

Vote no on this amendment, and let us prepare this Nation to defend itself should the time ever come.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. DICKS TO THE
AMENDMENT OFFERED BY MR. DEFAZIO

Mr. DICKS. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. DICKS to the amendment offered by Mr. DEFAZIO: On line 2, add at the end "for the deployment of".

Mr. DICKS. Mr. Chairman, I ask unanimous consent to explain my amendment for 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. DICKS. Mr. Chairman, I want to make it perfectly clear that what we are talking about in this amendment is the deployment of a space-based system, not that we are stopping the obligation of money for an R&D approach. There are legitimate R&D programs that should go forward, and I would urge the chairman and the ranking member to accept the amendment, and my colleague from Oregon.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, is this intended to be an amend-

ment to the amendment or an amendment to the bill?

Mr. DICKS. Mr. Chairman, it is an amendment to the amendment.

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman will continue to yield, the amendment says, at the end of the bill before the short title. It does not say amendment to the amendment.

Mr. DICKS. Mr. Chairman, it is added at the end of line 2, "for the deployment of".

Mr. WELDON of Pennsylvania. Mr. Chairman, I object. Mr. Chairman, I object.

The CHAIRMAN. The amendment has already been reported and is pending. The unanimous-consent request of the gentleman from Washington was for time to debate the amendment.

Mr. DICKS. Mr. Chairman, I ask for a vote on my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. DICKS], to the amendment offered by the gentleman from Oregon [Mr. DEFAZIO].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. DEFAZIO], as amended.

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Oregon [Mr. DEFAZIO], as amended, will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BEREUTER: Page 87, after line 3, insert the following new section:

SEC. 8095: Hereafter, the Air National Guard may assume primary or sole responsibility for providing fire fighting and rescue services in response to all aircraft-related emergencies at the Lincoln Municipal Airport in Lincoln, Nebraska.

MODIFICATION OF AMENDMENT OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I ask unanimous consent that the amendment be modified, that on line 2 of the amendment the words "primary or sole" be stricken.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification of amendment offered by Mr. BEREUTER: In line 2 of the Bureuter amendment No. 4, strike "primary or sole".

The CHAIRMAN. Without objection, the modification is agreed to.

There was no objection.

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, we have a few problems with this amendment but would be prepared to accept it.

Mr. BEREUTER. Mr. Chairman, in light of the chairman's generous agreement to accept the amendment, as modified, I will not complete my entire statement.

I will say, however, that this should save the American taxpayer and the taxpayers of Lincoln a substantial amount of money. And by the deletion of the three words, we remove any kind of direction to them about what kind of agreement the National Guard and the city of Lincoln acting through the Lincoln Airport Authority may agree to. I think it is appropriate to leave complete discretion to them regarding the amount of degree of responsibility that may be assured.

I thank the gentleman for his comments and for his courtesy.

Mr. Chairman, this is a very simple and straightforward amendment. It would allow the Air National Guard to assume responsibility for providing firefighting and rescue services in response to all aircraft-related emergencies at the Lincoln Municipal Airport in Lincoln, NE.

This amendment offers a commonsense, cost-effective solution to a long-standing problem at the airport. Currently, the Lincoln Fire Department and the Air National Guard both are stationed at the airport and respond to aircraft-related emergencies at the airport. This is clearly an inefficient and costly situation which does nothing to increase safety.

The airport, the city of Lincoln, and the Nebraska National Guard all agree that it makes more sense to place the National Guard firefighting personnel with their matchlessly superb equipment—5 trucks and 30 personnel—in charge of all aircraft-related emergencies. Not only would this change result in no increase in costs to the National Guard, it would actually save them money. The airport has, preliminarily agreed, for example, to cancel the National Guard's \$60,000 per year payment to the Lincoln Airport if the National Guard assumes the firefighting responsibilities.

This would clearly be a win-win situation for everyone. Unfortunately, the interested parties are running into a bureaucratic roadblock because there is no explicit congressional authority to allow this arrangement. This amendment fixes the problem by making it clear with permissive legislation that the National Guard may assume responsibility for firefighting and rescue services at the Lincoln Municipal Airport.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. BEREUTER], as modified.

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SKELTON: Page 87, after line 3, insert the following new section.

SEC. . Of the funds provided in title IV for "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", the amount available for National Missile Defense shall not exceed \$812,437,000.

Mr. SKELTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. Mr. Chairman, I rise with an amendment to modify the funding priorities of the bill for missile defense programs. It is my intention to explain this and to discuss it briefly with the chairman of this subcommittee, Mr. YOUNG, and then it is my intention to withdraw it. But I wish I could explain it at this time.

The bill before us contains \$350 million increase for national missile defense research and development but eliminates funding for the only emerging technology aimed at protecting our front line troops throughout the world. The program formerly named CORPS SAM and now called Medium Extended Air Defense Systems, or MEADS, is a joint research and development program with Germany and Italy. The administration's budget request included \$56 million, but this bill includes no funding, no funding. My amendment recommends restoring \$46 million to MEADS from the National Missile Defense Account.

Our forward deployed military personnel face a critical and growing threat from the air. Today short range ballistic missiles, cruise missiles and unmanned aerial vehicles threaten American soldiers, front line American soldiers. Tomorrow this threat will certainly be greater. We live in a dangerous world. Our troops were vulnerable to missile attack in Desert Storm, and further proliferation of dangerous weapons will certainly increase the threat tomorrow. I am concerned because no other program, Mr. Chairman, no other program promises to protect our forward deployed troops as shown by a chart that I have available.

I might say that, on behalf of our soldiers and our marines, three of our regional commanders have written about the requirements for MEADS: Generals Luck, Peay, and Joulwan.

Mr. Chairman, I include for the RECORD the following correspondence:

DEPARTMENT OF THE ARMY, OFFICE OF THE DEPUTY CHIEF OF STAFF FOR OPERATIONS AND PLANS,

Washington, DC, May 1, 1996.

Hon. FLOYD SPENCE,

Chairman, House National Security Committee, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Army understands that the House National Security Committee (HNSC) Research & Development Subcommittee will recommend during full committee markup that Medium Extended Air Defense System (MEADS) funding be cut. This action is apparently based on concerns surrounding technical, fiscal, and cooperative issues surrounding this international effort. These misconceptions place this program in severe jeopardy and place our future deployed forces at risk.

The MEADS effort was undertaken to explore a cost effective international solution to the need for defense of maneuver forces against the full threat spectrum to include aircraft, helicopters, unmanned aerial vehicles (UAV), cruise missiles (CM), and theater ballistic missiles (TBM). This need was re-emphasized both last summer in a series of Senior Department level and CINC letters to Congress and in DoD's recently completed Ballistic Missile Defense Review which fully funded the programs' Project Definition and Validation (PD-V) Phase. Despite the potential French withdrawal from the program, the urgent need to provide maneuver force protection still exists.

The United States, Germany, and Italy recently committed to continue the international program, as demonstrated by their 22 April 1996 trilateral Statement of Intent. The Army enthusiastically supports pursuit of this international program with our NATO allies including Germany, one of our strongest and most stable air defense partners. The lack of demonstrated U.S. financial resolve will undoubtedly send a perplexing signal to this international industrial and governmental partnership.

MEADS is recognized as a vital defense system for the challenge of force protection on the 21st century battlefield. The Army views a system like MEADS as the eventual long term replacement for the Patriot system as the Army's lower tier TBM defense in the post 2010 time frame. The current investment in the PD-V phase will ensure that Soldiers, Marines, Airmen, and Sailors of the future will be protected on the battlefield by a robust system capable of responding to the full spectrum of threat.

Request your support for this critical Department of Defense Army air and missile defense program.

Respectfully,

EDWARD G. ANDERSON III,
Major General, U.S. Army.

DEPARTMENT OF DEFENSE, BALLISTIC MISSILE DEFENSE ORGANIZATION,

Washington, DC, May 1, 1996.

Hon. FLOYD SPENCE,

Chairman, House National Security Committee, House of Representatives, Washington, DC.

DEAR SIR: I understand that the R&D Subcommittee has recommended that, in the FY97 Authorization Bill, the Medium Extended Air Defense (MEADS) be canceled. I would respectfully ask the Committee not to accept this recommendation for several reasons.

MEADS is an absolutely critical element of our ballistic missile defense architecture, providing the critical protection for US maneuver forces as they engage the enemy. It is

strongly supported by both the U.S. Army and Marine Corps. In last year's discussion of MEADS, General Joulwan, our European CINC, forwarded a particularly strong letter of support for MEADS, reflecting the views of our other warfighters.

It is the only system that will have the transportability and mobility to be brought into theater and to forward deploy with the troops. Besides its capability to defend against ballistic missiles, it is a critical system to also protect these forces against advanced aircraft and cruise missiles. Patriot and other missile defense systems in our theater architecture cannot fulfill this role.

MEADS is envisioned to be a key multinational co-development program where we will leverage investment by European partners, who have similar military requirements, to undertake and complete the system development. We are responding to the direction given to us by the Congress in the FY96 Authorization Act.

As I have indicated to the Committee in my recent testimony, our negotiations with our European partners are complete and we should sign the Memorandum of Understanding within the next few weeks. Against the backdrop of a HNSC cancellation of the Program in FY97, the credibility of the United States vis-a-vis armaments cooperation will be called into question. Additionally, such a cancellation would have very serious ramifications vis-a-vis other programs where the United States is seeking European support.

Sincerely,

MALCOLM R. O'NEILL,
Lieutenant General, USA, Director.

DEPARTMENT OF THE ARMY, U.S.
ARMY SPACE AND STRATEGIC DEFENSE COMMAND

Arlington, VA, May 16, 1996.

Hon. FLOYD SPENCE,
Chairman, House National Security Committee,
Washington, DC.

DEAR MR. CHAIRMAN: The Army understands that the House National Security Committee has recommended that funding for the Medium Extended Air Defense System (MEADS) be cut and the Senate Armed Services Committee has recommended funding be reduced below the level negotiated for the international program. These actions place this program in severe jeopardy and, as a result, place our deployed forces at risk.

The threats to Army and Marine Corps maneuver forces (short range tactical ballistic missiles, cruise missiles and unmanned aerial vehicles) exist today and will grow significantly as we enter the 21st Century. The joint requirement document specifics countering these threats with a strategically deployable, tactically mobile system providing 360 degree coverage. Existing system configurations fail to provide the required protection due to deployability and mobility limitations, lack of 360 degree coverage, and lack of growth potential to meet these essential requirements.

As envisioned, this requirement will provide our forces the mobile protection required on future battlefields. The United States, Germany and Italy recently committed to continue the international program as demonstrated by their April 22, 1996 trilateral statement of intent. MEADS is the only system currently being designed with the mobility, deployability, target set and other critical characteristics of meet the Corps SAM requirements.

As the Theater Missile Defense Advocate for the United States Army, I strongly recommend that the Congress consider the

MEADS/Corps SAM requirements and restore the funding necessary for this system designated for the protection of our maneuver forces.

Sincerely,

JAY M. GARNER,
Lieutenant General, U.S. Army,
Commanding Officer.

UNITED STATES ARMY,
THE VICE CHIEF OF STAFF.

Hon. FLOYD SPENCE,
Chairman, Committee on National Security,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I understand the House National Security Committee (HNSC) recommended zeroing the funding request for the Medium Extended Air Defense System (MEADS) in the FY97 Defense Authorization Bill. As its Chief of staff emphasized last summer following the SASC's vote to terminate the program, the critical warfighting requirement that MEADS intends to fill remains completely valid. As such, further funding disruptions will significantly impair our ability to expeditiously field a theater missile defense (TMD) system designed to protect our maneuver forces.

The threats to Army and Marine Corps maneuver forces form short range tactical ballistic missiles, cruise missiles and unmanned aerial vehicles exist today and will grow significantly as we enter the 21st Century. The MEADS requirements documents specifies countering these threats with a strategically deployable, tactically mobile system providing 360 degree defense coverage. Existing system configurations fail to provide the required protection due to deployability and mobility limitations, lack of 360 degree defense coverage, and lack of growth potential to meet these essential requirements.

Despite the potential French withdrawal from the program, the Army fully supports the MEADS international effort with our NATO allies. The MEADS program improves both US and NATO operational capability through total interoperability. Having MEADS deployed with our allies would mean less reliance on US assets to defend US and Allied forces and interests. This critical program is essential to further NATO cooperative efforts and a strong alliance. We support the Department of Defense decision to fully fund the MEADS Project Definition and Validation phase. This will allow international industry teams to fully explore all key TMD technologies and recommend robust, cost-effective solutions. I appreciate your support as we seek to provide the highest quality TMD force protection possible.

Sincerely,

RONALD H. GRIFFITH,
General, United States Army,
Vice Chief of Staff.

DEPARTMENT OF THE NAVY,
UNITED STATES MARINE CORPS,
Washington, DC.

DEPARTMENT OF THE ARMY,
HEADQUARTERS, U.S. ARMY,
Washington, DC.

Hon. TED STEVENS,
Chairman, Subcommittee on Defense, U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: We are writing to reaffirm our requirement for 360 degree protection against all tactical aircraft—from supersonic jets to attack helicopters, against advanced, low signature cruise missiles, and against medium and short range ballistic missiles. Army and Marine Corps maneuver forces face these threats today and are expected to face an expanding threat as we enter the 21st Century.

The Army and Marine Corps are in agreement that the Initial International Common Operational Requirements for the Medium Extended Air Defense System (MEADS) includes features necessary to meet the expeditionary nature of the Marine Corps, and will satisfy future Army Air Defense requirements. The MEADS program will involve participation by two key NATO allies, Italy and Germany.

We are very concerned that the Army and the Marine Corps currently do not have a system to meet this requirement. MEADS is projected to fulfill this requirement. The Army and the Marine Corps fully support the Department of Defense decision to fully fund the MEADS Project Definition and Validation phase. Funding will allow international industry teams to fully explore all key theater missile defense technologies and recommend robust, cost-effective solutions.

As always, we appreciate your support as we seek to provide the highest quality Missile Defense protection available for soldiers and Marines.

Sincerely,

C.C. KRULAK,
General, U.S. Marine Corps,
Commander of the Marine Corps.
DENNIS J. REIMER,
General, U.S. Army,
Chief of Staff.

HEADQUARTERS,
UNITED STATES FORCES, KOREA,
June 13, 1996.

Hon. IKE SKELTON,
Ranking Minority Member, Subcommittee on Military Procurement, Committee on National Security, U.S. House of Representatives, Washington, DC.

DEAR MR. RANKING MINORITY MEMBER: On behalf of the airmen, soldiers, sailors, marines and civilians serving under my command in the Republic of Korea, I would like to thank you for your past support. I again find myself coming to you for assistance on a matter of the utmost importance to our mission on the Korean peninsula. I am writing you because of the threat to funding of a program that I view as a critical component of the security of my theater.

As I stated in testimony earlier this year and in a letter to the Chairman of the Joint Chiefs of Staff which was well reported in the press, "Theater Missile Defense is another key area where we must improve our capability on the Korean peninsula. DPRK missiles threaten all our major ports, air bases, fielded ROK and US forces, and the population at large. However, even after upgrading to the PAC-3 configuration, these missiles can not cover all of our critical locations." Although this statement was directed toward an upper tier system, I emphasized the importance of an upper tier system being in concert with an effective lower tier system.

The threat to forward ground combat forces in this theater from short and medium range ballistic missiles, unmanned aerial vehicles (UAV), and cruise missiles is already formidable, and continues to grow. The only system in place to defeat these threats across the full spectrum is Patriot, which consumes tremendous amounts of lift to get to the theater, lacks the mobility to support mobile combat forces and survive on the forward battlefield, and can only provide defense in a 90 degree sector.

The requirement for the Medium Extended Air Defense System (MEADS), formerly

known as Corps SAM, gives the corps commander the means to protect his warfighting capability, and would also protect Marine amphibious forces from forced landing through redeployment. Compared to Patriot, MEADS/Corps SAM cuts airlift requirements in half, can cover twice as many forces in a movement to contact, with a third of the survival risk, and provides full 360 degree protection against all airborne threats. The need for this system is clear and fielding of this capability is vital to our survival and success on the future battlefield. That is precisely why this requirement, as part of a complete Theater Missile Defense program, is in the top 10 of our integrated priority list.

The Department of Defense has decided to fully fund the MEADS Project Definition and Validation Phase. Again, what concerns me is that funding for this critical program is threatened. Request your immediate support in the restoration of funding to the DOD requested level. Thank you for your continued support and assistance in this important endeavor.

Sincerely,

GARY E. LUCK,
General, U.S. Army,
Commander in Chief.

UNITED STATES CENTRAL COMMAND,
OFFICE OF THE COMMANDER IN CHIEF,
MacDill Air Force Base, FL, June 12, 1996.

Hon. IKE SKELTON,
Ranking Member, Subcommittee on Military
Procurement, Committee on National Security,
U.S. House of Representatives, Washington, DC.

DEAR MR. SKELTON: The House National Security Committee's 1997 Defense Authorization Bill currently proposes to eliminate funding support of the Medium Extended Air Defense System (MEADS). In today's increasingly complex, unstable world, this is unfortunate.

In the Central Region, the ability to defend against an ever growing threat from aircraft and short/medium range ballistic missiles is one of our highest priorities. In our view, key capabilities of any air/missile defense system are: mobility, 360 degree coverage, technical performance against the threat, and interoperability with our allies as well as across service lines. Systems currently in use do not meet these essential requirements. More importantly, we need a multi-layered air defense system that has as a major component the lower altitude capability to protect deep and fast moving land forces (Army and Marine) at distance from the shore or land entry point.

The capabilities inherent in Corps SAM/MEADS, or some similar derivative, will result in an increased ability to defend against current and future threats as well as possessing the characteristics so important in today's joint environment: mobility and interoperability. Continued funding support for this capability is crucial given the current threat we face in the Central Region as well as the prospects afforded by the proliferation of ballistic missile technology. In sustaining an international coalition, it is important that we be capable of providing a viable defense for the forces committed to our mutual objectives. I appreciate your support in restoring funding for this key program that will help defend our service men and women.

Sincerely,

J.H. BINFORD PEAY III,
General, USA, Commander in Chief.

COMMANDER IN CHIEF,
UNITED STATES EUROPEAN COMMAND,
June 13, 1996.

Hon. IKE SKELTON,
Ranking Member, Subcommittee on Military
Procurement, House Committee on National
Security, U.S. House of Representatives,
Washington, DC.

DEAR MR. SKELTON: The President's Budget request for fiscal year 1997 included \$56.2 million for the multinational Medium Extended Air Defense (MEADS) program, but the House recently passed a Department of Defense Authorization Bill that zeroes the MEADS program funding. In the short time since passage of the Authorization Bill, the Bill's key concern, expressed in the House report, has been addressed. The Memorandum of Understanding has been signed by the U.S., Germany, and Italy. Despite the withdrawal of the French from the program, there remains solid trilateral support for MEADS. Continued Congressional support of this program is essential for our Theater Missile Defense (TMD) program.

Theater missile defense is one of my top priorities. Many nations are developing and employing theater ballistic missiles, cruise missiles, and unmanned aerial vehicles which threaten U.S. and allied security interests. The "core" U.S. TMD systems play a central role in defending U.S. interests and forces, but these systems are limited by geography and strategic life requirements. Naval systems can reach only so far inland, and Patriot battalions require almost 70 C-5 sorties to deploy and offer little tactical mobility.

On tracked vehicles, the MEADS system moves forward with maneuver forces while protecting against low-level aircraft and cruise missiles as well as ballistic missiles. It requires substantially less strategic lift and enables the U.S. to protect both its forces and its regional interests against a wide spectrum of threats.

MEADS is an integral part of the multinational, multi-service, layered defense architecture and provides cost-effective defense in our constrained fiscal environment. Unilateral development and fielding of new TMD systems often make programs unaffordable. Yet, with the Germans and Italians sharing the MEADS program costs, we can realize substantial savings.

I urge your support for the critical TMD system.

Sincerely,

GEORGE A. JOULWAN,
General U.S. Army.

Mr. Chairman, I ask the gentleman from Florida if he understands the importance of this MEADS proposal?

□ 2030

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I would respond and say we certainly understand the importance of CORPS SAM. We also know there are some difficulties in the program because of the international participation in the program, where it is unclear if some of the sponsors or some of those who are involved are committed to this effort. However, we will work with the gentleman to make sure that the right thing is done on the issue of CORPS SAM because I think it is an important issue.

Mr. SKELTON. I appreciate that. This is terribly important. In all of this discussion about missile defense, no one seems to be looking out for the front-line American troops. That is the purpose of this MEADS proposal.

Mr. Chairman, with the gentleman agreeing to work with me and looking forward to the future in the conference, I will at this time ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN. The amendment of the gentleman from Missouri [Mr. SKELTON] is withdrawn.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: At the end of the bill (before the short title), insert the following new section:

SEC. . None of the funds made available to the Department of Defense under this Act may be obligated or expended to enter into or renew a contract with an entity when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

Mr. SOLOMON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOLOMON. Mr. Chairman, I will be very brief. Veterans who serve in the U.S. Armed Forces over all the years of this country have always lagged behind their peers, those that did not serve in the military. They were always 4 years behind going to college, 4 years behind advancing up the ladder of success and promotion, and because of that, we have veterans preference laws in this country to try and help them catch up. Many times those laws are disregarded.

We, in the middle of the 1970's, when a very unpopular war had been taking place and our veterans returning home, we enacted title 38, United States Code, which required contractors or entities who received contracts or grants of moneys from this defense budget, that they be required to file a report to show their hiring practices and policies. Today we know by studies that over 23,000 contractors just completely disregarded this.

What this amendment says is that none of the funds can be used for any

contractor who has not lived up to the law and filed that report. This is meant to encourage those contractors to live under the law and treat our veterans fairly.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding and say to him that we have reviewed this amendment and discussed it with him. We know that he is one of the many Members of this Chamber who is always in the front line defending the rights of veterans and protecting veterans. We appreciate that, and we are prepared to accept the amendment.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. Mr. Chairman, I yield to my friend, the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I accept the amendment.

Mr. SOLOMON. Very good, and I thank both those great Americans.

Mr. Chairman, it is troubling to think that anyone in our society would even consider discriminating against our veterans.

However, that is the case and that's why Congress enacted laws to help them find employment.

But now those laws are being ignored.

In 1972 the Vietnam Era Veterans Readjustment Assistance Act was enacted to increase the level of employment of veterans by Federal contractors.

In 1973, concerns raised by Congress over the continuing high rate of unemployment among Vietnam veterans led to a GAO investigation.

GAO's report in 1974 showed serious shortcomings in both implementation and enforcement of the statute by the U.S. Department of Labor.

Congress then responded by authorizing statutory adjustments that gave rise to the Vietnam Era Readjustment Assistance Act of 1974.

Since these original concerns expressed by the GAO, it is now fair to note that 22 years later, there is still evidence of D.O.L.'s failure to appropriately enforce the provision that Government contractor's file reports on veterans employment.

They are required to report the number of Vietnam-era veterans and special disabled veterans employed by job category, as well as the total number of covered veterans hired.

Since 1988 this annual report has been required of Federal contractors.

The Vets-100 report was created to monitor veterans' employment and meet this requirement.

However, research performed by the center for the study of veterans in society indicates that a large number of contractors have failed to file the required Vets-100 report.

In 1992, a F.O.I.A. request was filed with the Secretary of Labor by the Center for the Study of Veterans in Society.

Resulting analysis showed that in 1990, of 130,930 Federal contractors, 10,092 failed to

file this and in 1991, the percentage more than doubled to 15.9 percent, with 23,664 of 148,923 contractors failing to file.

This disturbing trend must be changed.

Information on the employment of veterans is essential to insure they are not forgotten, discarded warriors.

But sadly enough, that's exactly what's happening.

Less than 1 percent of those employed by some of this country's largest and more prominent universities are veterans.

Just listen to the obstacles faced by one such distinguished veteran, who holds a Ph.D. in his field.

This particular Vietnam veteran was actually asked to leave the home of a college president during an interview, when he let it slip that he had served in Vietnam.

In addition, in 80 instances when he was asked back for an interview after applying for a job, all contact ended in 76 of them when his military service was revealed.

Now that is just plain unacceptable.

From now on, anyone who wants to forget, ignore, or just plain discriminate against our veterans when it comes to hiring, recommending, promoting, or firing workers will have to go without any Federal tax dollars.

Eventually, agencies within this very government—and those contracting with them—will get the message that our veterans helped get us where we are today and have a great deal to offer any organization.

Vote for my amendment, and show America's veterans we will not accept discrimination against them, and want them properly represented in the work force.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON]. The amendment was agreed to.

The CHAIRMAN. Are there any further amendments?

If not, pursuant to House Resolution 453, the Clerk will read the last two lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Department of Defense Appropriations Act, 1997".

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 453, proceedings will now resume on the amendment on which further proceedings were postponed: the amendment offered by the gentleman from Oregon [Mr. DEFAZIO], as amended.

AMENDMENT OFFERED BY MR. DEFAZIO, AS AMENDED

The CHAIRMAN. The pending business is the request for a recorded vote on the amendment offered by the gentleman from Oregon [Mr. DEFAZIO], as amended, on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 190, noes 208, not voting 37, as follows:

[Roll No. 246]

AYES—190

Abercrombie	Gejdenson	Oliver
Baessler	Gephardt	Ortiz
Baldacci	Goodling	Orton
Barrett (WI)	Gordon	Owens
Becerra	Green (TX)	Pallone
Beilenson	Greenwood	Pastor
Bentsen	Gutierrez	Payne (NJ)
Bereuter	Hall (OH)	Payne (VA)
Berman	Hamilton	Pelosi
Blumenauer	Harman	Peterson (FL)
Blute	Hastings (FL)	Peterson (MN)
Bonior	Hefner	Pomeroy
Borski	Hinchey	Poshard
Boucher	Hoekstra	Rahall
Brewster	Hoyer	Ramstad
Browder	Jackson (IL)	Rangel
Brown (CA)	Jackson-Lee	Reed
Brown (FL)	(TX)	Regula
Brown (OH)	Jefferson	Richardson
Bryant (TX)	Johnson (SD)	Rivers
Campbell	Johnston	Roemer
Castle	Kanjorski	Rose
Clay	Kaptur	Roukema
Clayton	Kennedy (MA)	Roybal-Allard
Clement	Kennedy (RI)	Rush
Clyburn	Kennelly	Sabo
Coble	Kildee	Sanders
Collins (IL)	Kleczka	Sawyer
Collins (MI)	Klink	Schroeder
Costello	Klug	Schumer
Coyne	LaFalce	Scott
Cramer	Lantos	Serrano
Cummings	LaTourette	Shays
Danner	Lazio	Skaggs
de la Garza	Leach	Skelton
DeFazio	Levin	Slaughter
DeLauro	Lewis (GA)	Smith (MI)
Dellums	Lipinski	Spratt
Deutsch	LoBlundo	Stark
Dicks	Loftgren	Stenholm
Dingell	Lowey	Stokes
Dixon	Luther	Studds
Doggett	Manton	Stupak
Dooley	Martini	Tanner
Durbin	Mascara	Tejeda
Edwards	Matsui	Thompson
Ehlers	McDermott	Thurman
Engel	McHale	Torkildsen
Eshoo	McKinney	Torres
Evans	McNulty	Towns
Farr	Meehan	Upton
Fattah	Menendez	Velazquez
Fazio	Millender	Vento
Fields (LA)	McDonald	Visclosky
Filner	Miller (CA)	Volkmer
Flake	Minge	Ward
Foglietta	Mink	Waters
Ford	Moran	Watt (NC)
Fox	Morella	Whitfield
Frank (MA)	Nadler	Williams
Franks (NJ)	Ney	Wise
Frost	Nussle	Woolsey
Furse	Oberstar	Wynn
Ganske	Obey	Zimmer

NOES—208

Allard	Bono	Cooley
Andrews	Brownback	Cox
Archer	Bryant (TN)	Crane
Armey	Bunn	Crapo
Bachus	Burr	Cremins
Baker (CA)	Burton	Cubin
Baker (LA)	Buyer	Deal
Ballenger	Callahan	DeLay
Barcia	Calvert	Diaz-Balart
Barr	Camp	Dickey
Barrett (NE)	Canady	Doillittle
Bartlett	Chabot	Dornan
Barton	Chambliss	Dreier
Bass	Chapman	Duncan
Bateman	Chenoweth	Dunn
Billirakis	Christensen	Ehrlich
Bishop	Chrysler	Emerson
Bliley	Coburn	Ensign
Boehlert	Collins (GA)	Everett
Boehner	Combest	Ewing
Bonilla	Condit	Fawell

Fields (TX)	Kim	Roberts
Flanagan	Kingston	Rogers
Foley	Knollenberg	Rohrabacher
Forbes	Kolbe	Ros-Lehtinen
Fowler	LaHood	Roth
Franks (CT)	Largent	Royce
Frelinghuysen	Latham	Salmon
Frisa	Laughlin	Sanford
Funderburk	Lewis (CA)	Scarborough
Gallegly	Lewis (KY)	Schaefer
Gekas	Lightfoot	Schiff
Gibbons	Linder	Seastrand
Gilchrest	Livingston	Sensenbrenner
Gilman	Longley	Shadegg
Gingrich	Lucas	Shaw
Gonzalez	Manzullo	Shuster
Goodlatte	Martinez	Siskis
Goss	McCollum	Skeen
Graham	McCrery	Smith (NJ)
Greene (UT)	McInnis	Smith (TX)
Gunderson	McIntosh	Smith (WA)
Gutknecht	McKeon	Solomon
Hall (TX)	Meek	Spence
Hancock	Metcalfe	Stearns
Hansen	Meyers	Stockman
Hastert	Mica	Stump
Hastings (WA)	Miller (FL)	Talent
Hayworth	Molinar	Tate
Hefley	Mollohan	Tauzin
Heineman	Montgomery	Taylor (MS)
Herger	Moorhead	Taylor (NC)
Hillery	Murtha	Thomas
Hilliard	Myrick	Thornberry
Hobson	Nethercutt	Tiahrt
Hoke	Neumann	Trafficant
Horn	Norwood	Vucanovich
Hostettler	Oxley	Walker
Houghton	Packard	Wamp
Hunter	Parker	Watts (OK)
Hutchinson	Paxon	Weldon (FL)
Hyde	Petri	Weldon (PA)
Inglis	Pickett	Weller
Istook	Pombo	White
Jacobs	Porter	Wicker
Johnson (CT)	Portman	Wolf
Johnson, Sam	Pryce	Young (AK)
Jones	Quillen	Young (FL)
Kasich	Radanovich	
Kelly	Riggs	

NOT VOTING—37

Ackerman	Gillmor	Neal
Bevill	Hayes	Quinn
Bilbray	Holden	Saxton
Bunning	Johnson, E. B.	Souder
Cardin	King	Thornton
Clinger	Lincoln	Torricelli
Coleman	Maloney	Walsh
Conyers	Markley	Waxman
Cunningham	McCarthy	Wilson
Davis	McDade	Yates
Doyle	McHugh	Zeliff
English	Moakley	
Geren	Myers	

□ 2052

Messrs. ALLARD, STOCKMAN, and TRAFICANT changed their vote from "aye" to "no."

Mr. MARTINI, Mr. FIELDS of Louisiana, and Ms. MILLENDER-McDONALD changed their vote from "no" to "aye." So the amendment, as amended, was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any further amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. JONES) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 3610) making appropriations for the Department of Defense for the fiscal year

ending September 30, 1997, and for other purposes, pursuant to House Resolution 453, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. JONES). Under the rule, the previous question is ordered.

It is a separate vote demanded on any amendments? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 278, nays 126, not voting 30, as follows:

[Roll No. 247]

YEAS—278

Abercrombie	Cummings	Hastings (WA)
Allard	Davis	Hayworth
Andrews	de la Garza	Hefley
Archer	Deal	Hefner
Armey	DeLauro	Heineman
Bachus	DeLay	Herger
Baker (CA)	Deutsch	Hilleary
Baker (LA)	Diaz-Balart	Hobson
Ballenger	Dickey	Hoke
Barcia	Dicks	Holden
Barr	Dixon	Horn
Barrett (NE)	Doolittle	Hostettler
Bartlett	Dornan	Houghton
Barton	Dreier	Hoyer
Bass	Duncan	Hunter
Bateman	Dunn	Hutchinson
Bentsen	Edwards	Hyde
Bereuter	Ehrlich	Inglis
Bilirakis	Emerson	Istook
Bishop	Ensign	Jackson-Lee
Bliley	Everett	(TX)
Boehert	Ewing	Jacobs
Boehner	Fawell	Jefferson
Bonilla	Fazio	Johnson, Sam
Bono	Fields (LA)	Jones
Boucher	Fields (TX)	Kasich
Brewster	Flake	Kelly
Browder	Forbes	Kennedy (RI)
Brown (FL)	Fowler	Kennelly
Brownback	Fox	Kildee
Bryant (TN)	Franks (CT)	Kim
Bunning	Frelinghuysen	King
Burr	Frisa	Kingston
Burton	Frost	Klink
Buyer	Funderburk	Knollenberg
Callahan	Gallegly	Kolbe
Calvert	Gejdenson	LaHood
Canady	Gekas	Largent
Chambliss	Gephardt	Latham
Chapman	Gibbons	LaTourette
Chenoweth	Gilchrest	Laughlin
Christensen	Gilman	Lazio
Clay	Gonzalez	Leach
Clayton	Goodlatte	Lewis (CA)
Clement	Goodling	Lewis (KY)
Clyburn	Gordon	Lightfoot
Coble	Goss	Linder
Coburn	Graham	Livingston
Coleman	Green (TX)	Longley
Collins (GA)	Greene (UT)	Lucas
Combest	Greenwood	Manton
Condit	Hall (OH)	Manzullo
Cooley	Hall (TX)	Martinez
Cox	Hamilton	Matsui
Cramer	Hancock	McCollum
Crane	Hansen	McCrery
Crapo	Harman	McHale
Creameans	Hastert	McInnis
Cubin	Hastings (FL)	McIntosh

McKeon	Quillen	Stokes
McNulty	Quinn	Stump
Meek	Radanovich	Talent
Metcalfe	Reed	Tanner
Meyers	Regula	Tate
Mica	Roberts	Tauzin
Millender	Roemer	Taylor (MS)
McDonald	Rogers	Taylor (NC)
Miller (FL)	Rohrabacher	Tejeda
Mink	Ros-Lehtinen	Thomas
Molinar	Rose	Thompson
Mollohan	Roth	Thornberry
Montgomery	Royce	Thurman
Moorhead	Salmon	Tiahrt
Moran	Scarborough	Torkildsen
Murtha	Schaefer	Torres
Myrick	Schiff	Trafficant
Nethercutt	Scott	Visclosky
Norwood	Seastrand	Vucanovich
Nussle	Shadegg	Walker
Ortiz	Shaw	Wamp
Orton	Shuster	Ward
Oxley	Siskis	Watts (OK)
Packard	Skeen	Weldon (FL)
Parker	Skelton	Weldon (PA)
Pastor	Slaughter	Weller
Paxon	Smith (NJ)	White
Payne (VA)	Smith (TX)	Whitfield
Peterson (FL)	Smith (WA)	Wicker
Pickett	Solomon	Wolf
Pombo	Souder	Wynn
Pomeroy	Spence	Young (AK)
Porter	Spratt	Young (FL)
Portman	Stearns	
Pryce	Stenholm	

NAYS—126

Baessler	Frank (MA)	Olver
Baldacci	Franks (NJ)	Owens
Barrett (WI)	Furse	Pallone
Becerra	Ganske	Payne (NJ)
Beilenson	Gunderson	Pelosi
Berman	Gutierrez	Peterson (MN)
Blumenauer	Gutknecht	Petri
Blute	Hillard	Poshady
Bonior	Hinchey	Rahall
Borski	Hoekstra	Ramstad
Brown (CA)	Jackson (IL)	Rangel
Brown (OH)	Johnson (CT)	Riggs
Bryant (TX)	Johnson (SD)	Rivers
Bunn	Johnston	Roukema
Camp	Kanjorski	Roybal-Allard
Campbell	Kaptur	Rush
Castle	Kennedy (MA)	Sabo
Chabot	Klecicka	Sanders
Chrysler	Klug	Sanford
Collins (IL)	LaFalce	Sawyer
Collins (MI)	Lantos	Schroeder
Costello	Levin	Schumer
Coyne	Lewis (GA)	Sensenbrenner
Danner	Lipinski	Serrano
DeFazio	LoBiondo	Shays
Dellums	Lofgren	Skaggs
Dingell	Lowey	Smith (MI)
Doggett	Luther	Stark
Dooley	Markey	Stockman
Doyle	Martini	Studds
Durbin	Mascara	Stupak
Ehlers	McDermott	Towns
Engel	McKinney	Upton
Eshoo	Menendez	Velazquez
Evans	Miller (CA)	Vento
Farr	Minge	Volkmer
Fattah	Morella	Waters
Flner	Nadler	Watt (NC)
Flanagan	Neumann	Williams
Foglietta	Ney	Wise
Foley	Oberstar	Woolsey
Ford	Obey	Zimmer

NOT VOTING—30

Ackerman	Hayes	Neal
Bevill	Johnson, E. B.	Richardson
Bilbray	Lincoln	Saxton
Cardin	Maloney	Thornton
Clinger	McCarthy	Torricelli
Conyers	McDade	Walsh
Cunningham	McHugh	Waxman
English	Meehan	Wilson
Geren	Moakley	Yates
Gillmor	Myers	Zeliff

□ 2112

The Clerk announced the following pair: On this vote:

Mr. Bilbray for, with Mr. Ackerman, against.

Mr. CLAY changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, due to business in my district, I was absent for rollcall votes 245, 246, and 247. Had I been present, I would have voted "no" on rollcall 245, "yes" on rollcall 246, and "yes" on rollcall 247.

PERSONAL EXPLANATION

Ms. MCCARTHY. Mr. Speaker, during rollcall votes numbered 246 and 247, I was unavoidably detained. Had I been present I would have voted "Yes" on rollcall vote 246, and "No" on rollcall vote 247.

PERSONAL EXPLANATION

Mr. CLINGER. Mr. Speaker, on Thursday, June 13, 1996, I was unavoidably detained and missed rollcall votes 244, 245, 246, and 247 during the debate on H.R. 3610, the fiscal year 1997 National Security Appropriations Act. Had I been present, I would have voted "No" on rollcall 244 (Schroeder amendment), "No" on rollcall 245 (Shays amendment), "No" on rollcall 246 (DeFazio amendment), and "Aye" on rollcall 247 (final passage).

The reason I would have opposed the amendments to cut the defense budget—as the Schroeder and Shays amendments attempted to do—and supported the bill on final passage is based on my concerns about cutting the defense budget too deep, too quickly. Defense spending, adjusted for inflation, has been cut each year since 1985. While I have supported budgets that lower our defense spending in the past, I am wary about reducing our defense capabilities any further.

Dangers still exist—such as the situation in Bosnia, Haiti, and North Korea—and future threats are impossible to predict. It is clear that the United States must maintain a significant military force to deter and defeat future aggressors and to safeguard our Nation against the threat of nuclear proliferation, continuing regional conflict, and global instability. I believe that H.R. 3610 sets forth defense spending levels that are fiscally responsible while providing an appropriate defense of our Nation.

Finally, I would have opposed the DeFazio amendment, stipulating that none of the funding included in the bill to develop an anti-missile defense of

U.S. territory could be used for space-based antimissile weapons. In my view, it would be shortsighted and irresponsible to limit our options in seeking to find the best way to defend our Nation against a nuclear missile attack.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I yield to my friend from Texas [Mr. ARMEY], the distinguished majority leader, for the purpose of engaging in a colloquy to find out the schedule for the rest of the week and next week.

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Speaker, in just a few minutes we will be taking under consideration a very important resolution regarding the burning of churches. By common agreement out of consideration for the Members of the body and the lateness of the hour, we can assure Members due to the generosity on both sides of the aisle that there will not be a recorded vote on that matter. That being the case, I can announce that we have just had the last vote for the evening and for the week.

On Monday next, June 17, the House will meet in pro forma session. Members should note, contrary to the original House schedule, we will not have legislative business or votes on Monday.

□ 2115

On Tuesday, June 18, the House will meet at 9 a.m. for morning hour, and 10 a.m. for legislative business. Members should be advised that recorded votes will be postponed until 12 noon on Tuesday, June 18.

On Tuesday, the House will take up six bills under suspension of the rules: H.R. 3005, the Securities Amendments of 1996; H.R. 2803, the Anti-Car Theft Improvements Act of 1996; H.R. 3525, the Church Arson Prevention Act of 1996; H.R. 3572, a bill to designate the William H. Natcher Bridge; H.R. 3184, the Single Audit Act Amendments of 1996; and H.R. 3107, the Iran Oil Sanctions Act of 1996.

On Wednesday, June 19, and Thursday, June 20, the House will meet at 10 a.m. for legislative business. We will consider the Interior and the VA-HUD appropriations bills, both of which will be subject to rules.

And, Mr. Speaker, if I might just add, we are continuing to talk to Members on both sides of the aisle that are concerned with the VA appropriation bill, and it is hoped that possibly we might be able to work that out for consideration on Tuesday. That has not yet been settled.

I would like to remind Members, though, Mr. Speaker, that we may take up a resolution holding the President's

aides in contempt of Congress. It is our hope that the President will be forthcoming with the subpoenaed Travelgate documents before next week; however, in the event that these key documents are not provided, we may find a need to act on the contempt resolution.

Next week, Mr. Speaker, we should conclude legislative business and have the Members on their way home by 6 p.m. on Thursday, June 20.

Mr. Speaker, I thank the gentleman for yielding.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his information for this week and next week.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield.

Mr. BONIOR. I yield to my friend, the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I am a little bit concerned. We need to be taking up these two appropriation bills this coming week, Interior and the HUD-independent agencies bill. I have a Committee on Rules to run upstairs and the gentleman from Michigan [Mr. BONIOR] served on that committee for many years. He knows that if we are going to be coming back here, which we are willing to do in the Committee on Rules Monday night and put out a rule so that we can have the HUD-independent agencies bill on the floor Tuesday, we need to know this evening.

Members have the right to know what they are going to be doing. If we are going to have to be coming back here on Monday, we need to make reservations. Under the laws now we cannot have two or three or four backup reservations, and I would suggest my good friend, the majority leader, who I know wants to cooperate, and the gentleman from Missouri [Mr. GEPHARDT], work this thing out and let us know tonight what we are going to be doing, one way or the other, so that these Members can schedule their weekends and the valuable time they have back in their districts. That is only fair.

We are willing to sacrifice coming back here a day early to do it. So think about that. It is important to all of us.

Mr. ARMEY. If the gentleman would continue to yield for a moment, I would advise the chairman of the Committee on Rules that we are having discussions on this. They are going cordially, and as soon as we have more complete discussions, we will let the gentleman and the committee know.

Mr. SOLOMON. I appreciate that.

ADJOURNMENT TO MONDAY, JUNE 17, 1996

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore (Mr. JONES). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

Pursuant to clause 1, rule I the Journal stands approved.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON HOUSE OVERSIGHT

The SPEAKER pro tempore. The Speaker, pro tempore laid before the House the following communication from the Chairman of the Committee on House Oversight:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE OVERSIGHT,
Washington, DC, June 10, 1996.

Hon. NEWT GINGRICH,
Speaker, of the House of Representatives, the
Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that the House Franking Commission has been served with a subpoena issued by the United States District Court for the Eastern District of Michigan.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

BILL THOMAS, Chairman.

COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore. The Speaker pro tempore laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,

Washington, DC, June 12, 1996.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that the Office of Finance has been served with a subpoena issued by the United States District Court for the Eastern District of Michigan.

After consultation with the General Counsel, I have determined that compliance with

the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

SCOT M. FAULKNER.

EXPRESSING SENSE OF CONGRESS WITH RESPECT TO RECENT CHURCH BURNINGS

Mr. WATTS of Oklahoma. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the concurrent resolution (House Concurrent Resolution 187) expressing the sense of the Congress with respect to recent church burnings, and ask for its immediate consideration in the House; that debate on the concurrent resolution be limited to fifty minutes, equally divided and controlled by myself and the gentlewoman from North Carolina [Mrs. CLAYTON]; and that the previous question be considered as ordered on the concurrent resolution to final adoption without intervening motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mrs. CLAYTON. Mr. Speaker, reserving the right to object, although I do not plan to object, let me just understand the time.

Mr. WATTS of Oklahoma. Mr. Speaker, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentleman from Oklahoma.

Mr. WATTS of Oklahoma. Mr. Speaker, 50 minutes total, 25 minutes per side.

Mrs. CLAYTON. Mr. Speaker, we have quite a number of people who have expressed a desire to speak, and I would like some accommodation. I know that the gentleman has been working with me, but is it possible we can do 30 minutes each side?

Mr. WATTS of Oklahoma. Mr. Speaker, if the gentlewoman would continue to yield, we probably will not use our 25 minutes, so I can accommodate the gentlewoman, yes.

Mrs. CLAYTON. Mr. Speaker, I appreciate that.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. CON. RES. 187

Whereas more than 30 African-American churches have been burned over the last 18 months;

Whereas arrests have been made in only 5 of the cases currently under investigation;

Whereas the African-American community deserves the full support of Congress in solving these cases in an expeditious manner and it is important for Congress to speak out against the recent incidents of arson; and

Whereas several measures which would expedite the investigation into these incidents

and assist in the prosecution of individuals found guilty of involvement in these incidents are now pending before Congress: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) attacks on places of worship because of the race, color, denomination, or ethnicity of the congregation undermine fundamental American ideals;

(2) these fires appear to be hate crimes and also implicitly interfere with the First Amendment rights and other civil rights of the victims;

(3) the arson of a place of worship is repulsive to us as a society;

(4) the Congress condemns, in the strongest possible terms, these abhorrent actions against freely worshipping American citizens and the African-American community in particular;

(5) the Congress sends its sincere condolences to those individuals who have been affected by these acts of cowardice;

(6) the Congress fully supports the activities of local law enforcement officials, the Department of Justice, and the Department of the Treasury in investigating these incidents;

(7) the Congress urges the United States Attorney General and local prosecutors to seek the maximum penalty available under law to punish the perpetrators of these craven acts;

(8) it is important that Congress enact appropriate legislation to ensure that Federal law enforcement has the necessary tools to punish and deter these shameful, vile acts, including the bipartisan legislation introduced by Representatives Hyde and Conyers which would facilitate the prosecution of persons responsible for these acts;

(9) the President is urged to make the full-est possible use of all available law enforcement resources to bring the culprits in these crimes to justice;

(10) Congress encourages the people of the United States to work within their own communities to prevent arson against African-American or any other house of worship; and

(11) Congress encourages American citizens to observe a national week of prayer beginning June 16, 1996, and ending June 23, 1996, in their churches, synagogues, mosques and other places of worship for racial harmony, religious tolerance and respect for the civil and human rights of all Americans.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from Oklahoma [Mr. WATTS] and the gentlewoman from North Carolina [Mrs. CLAYTON] each will control 25 minutes.

The Chair recognizes the gentleman from Oklahoma, Mr. WATTS.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. MYRICK].

Mrs. MYRICK. Mr. Speaker, I am very happy to stand here tonight in support of this resolution, and I am very happy that the resolution is coming forward. Back on the first of March some of us who are members of the Family Caucus actually sent a letter to Attorney General Reno asking her to take action and bring all resources to bear because we knew that this problem existed, and so it is good that we

are coming together and there is a very strong interest in finding a solution to the problem.

This is a bipartisan effort, which always is great to see when everybody can work across all lines and come forward to share. We have the gentleman from Illinois, Chairman HYDE, whose legislation is coming on the floor next week, which will put some teeth into prosecution and bring to justice the people who are doing these things. The gentleman from Iowa [Mr. LIGHTFOOT] came forward with an appropriations bill, which is budget neutral, I might add, and that is going to help give the resources to the ATF agents who work in the arson division. And I will say from firsthand experience, unfortunately we had an incident in my city last week, and they are dedicated, dedicated people who really are short-handed. So this is going to be a big help to them.

And then today, the gentleman from Pennsylvania, CURT WELDON, announced that the Fire Caucus and all the fire services and the insurance agencies are coming together with a prevention effort that we can all share in our districts and really get the word out there of what people can do to try to prevent some of this.

So I commend both the gentlewoman from North Carolina, EVA CLAYTON, and the gentleman from Oklahoma, J.C. WATTS, for coming forward with this resolution, and it sends a strong message that we are not going to tolerate this anymore in our country. I do not care who these people are or where they are from, this is totally inexcusable and it has to stop.

I am embarrassed to say that North and South Carolina have had more of these church burning incidents than any other geographical area or State combined, and that is very depressing to me, but we do need to come together not just at the congressional level, but we need to come together locally.

The fourth aspect of this is that we really need to look toward helping these communities rebuild. We are going to be rebuilding the church in our area, and it is going to serve as a museum memorial to the culture of the black church because this is something that people really need to understand.

The whole community is doing it, it is a volunteer effort completely, and I am challenging other communities to reach out and do the same. They say you can burn the building, but you do not burn the church, and I think we all know that.

Mrs. CLAYTON. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. GEPHARDT], our distinguished minority leader.

Mr. GEPHARDT. Mr. Speaker, I rise today to urge my colleagues to vote in a unanimous way for this resolution. I commend my friend the gentlewoman from North Carolina [EVA CLAYTON] for

working so hard to bring this resolution to the floor. I commend my friend, the gentleman from Oklahoma [Mr. WATTS] for being a sponsor and being one who has made this bipartisan.

There is no more dastardly act than burning a place of worship, and the offense is even greater when racial hatred is involved, as it is in many of these cases. It is very important tonight that all of us, Republican, Democrat, from every part of this country, with one voice say tonight that these acts are morally reprehensible and wrong and must end.

I have no idea why these things are happening. I am sure none of the rest of us do. I assume racial hatred and hatred lies at the core of these acts. This had stopped and did not go on for years and years because there was a sense in this society that this was inappropriate behavior. Perhaps the dialog on some of our radio shows, or something, is making it possible for people to believe that we can act out our hatred by the violence that is represented in these acts.

The President has spoken out, and now it is entirely necessary and appropriate that every Member of this body tonight say unequivocally to the people of our country that these acts must end. And we will take every action that is necessary in the days ahead to make sure that whatever laws need to be changed are changed, to see that every person who is responsible in any way for any of these burnings is brought swiftly to justice.

Mr. Speaker, I thank my friends for bringing this resolution, and I urge every Member to raise their voice, not only tonight but in their district and in their communities to stop these dastardly acts.

□ 2130

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise today in strong support of this resolution, House Concurrent Resolution 187, expressing Congress' outrage and my personal outrage at the burnings of over 30 African-American churches throughout the southern United States. I commend the sponsor of this measure, the distinguished gentleman from Oklahoma [Mr. WATTS] and the gentlelady from North Carolina [Mrs. CLAYTON] for their efforts in introducing this important resolution.

Mr. Speaker, there is no more cowardly act than the desecration of another's house of worship. It is an act perpetrated by bigots who use the cover of night to burn a sacred place that so many in their community hold dear. Our houses of worship are a significant part of the glue that holds our sense of community together. When these gutless individuals strike at the sanctuaries of our neighbors, they are

striking at the sanctity of our communities and the freedoms we all enjoy under the first amendment to practice our religious beliefs.

My heart and sympathy go out to our African-American citizens and I strongly encourage this body to enact the bipartisan legislation introduced by Judiciary Committee Chairman HENRY HYDE and ranking member JOHN CONYERS to ensure that Federal law enforcement officials have the requisite tools to investigate and vigorously prosecute those who committed these abhorrent acts. In addition I encourage the Justice Department, the Treasury Department, and the Attorney General to expeditiously prosecute these cowards to the fullest extent of the law.

We must not stand by allowing this outrage to continue. Accordingly, I urge my colleagues to support this worthy measure.

Mrs. CLAYTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. PAYNE], the chairman of the Black Caucus.

Mr. PAYNE of New Jersey. Mr. Speaker, let me thank the gentlewoman from North Carolina and the gentleman from Oklahoma for bringing this resolution to the floor.

Mr. Chairman, as Chairman of the Congressional Black Caucus, I rise to express my outrage at the senseless desecration of African-American churches and also to extend my sympathy to the ministers and their congregations all over the country who have lost their places of worship. Our thoughts are also with members of the other churches and synagogues which have been defaced. These incidents of racial and religious bigotry remind us of other painful episodes in our history which we had hoped never reoccur.

Sadly the legacy of racial division is kept alive not only by those who carry out these acts, but by others who create an atmosphere which not only tolerates but encourages bigotry. We can turn on our radio any day of the week and hear right-wing talk radio hosts spewing forth words of hatred to appeal to those in the audience who are discontented with their lives and are looking for scapegoats.

In my area, the radio talk show host Bob Grant, who is courted by some politicians, has built his career out of making offensive and hurtful statements. He finally pushed things too far the day of the tragic accident when the plane carrying Ron Brown and others went down. On his radio show he said, upon learning that initially there was one survivor, Bob Grant joked that his pessimism led him to believe that the late Secretary may have survived.

Although this radio talk host was fired, he was immediately picked up by another radio station. And we call this corporate responsibility?

The most recent church bombing in Oklahoma reminds us that these evil

incidents are not confined to the Southeast. The Department of Justice has received reports of incidents in States like Maryland, where the target was a Quaker meeting house; in my home State of New Jersey. We have had them in Richmond; Seattle, Washington; and in other parts of New York State this has occurred.

Mr. Speaker, we must stop these senseless burnings.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania [Mr. WELDON].

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise in support of this important piece of legislation, and thank the gentleman from Oklahoma [Mr. WATTS] and the gentlewoman from North Carolina [Mrs. CLAYTON] for offering this legislation.

I join in the outrage that is being expressed by Members of both parties, liberals and conservatives, those from rural areas and those from urban areas, about the devastation caused by these terrible and outrageous fires.

As someone who got involved in public life first of all in the fire service, when I served as volunteer fire chief, I understand perhaps in a way that many of us do not the impact of anyone suffering through the tragedy of fire.

It is especially outrageous when it hits a place of worship, and all of us must come together in this country and condemn it. We are here to acknowledge that there has been a special focus on African-American churches in the South, and that is especially outrageous.

I would also acknowledge, Mr. Chairman, there have been 80 churches burned since January of this year, 30 that we know of in the South and in black areas. But a number of them have not gone reported, but yet have been turned in to the insurance corporation which services and provides insurance for churches and synagogues across America.

Today we announced a major initiative, supported by a bipartisan group of Members who are part of the Congressional Fire and Emergency Services Caucus, to attack this problem in a different light. The focus up until now has been on catching those hardened criminals who have committed these acts, or those vandals, or those outrageous individuals.

The problem we have, Mr. Speaker, is that that is very difficult. In fact, the conviction rate for arson in this country is less than 2 percent. It is the toughest crime to convict someone unless someone actually sees them lighting the match. So while it is important that we look for the perpetrators, we must also realize it is especially difficult.

What we announce today is the establishment of a trust fund that would

provide reward money for information leading to the arrest and conviction of anyone that is convicted of the act of arson. But that is not enough, because that is extremely difficult. What we announce today, Mr. Chairman, is the ability for us to have a proactive effort focusing on how to help churches across America prevent arsons from occurring.

To that end we brought together the insurance industry, all the major fire service groups: the International Association of Arson Investigators, the paid firefighters, the volunteer firefighters, the Black Professional Firefighters, the National Fire Protection Association, the insurance industry, the American Insurance Association, and the Insurance Committee for Arson Control, and we announced a 3-part initiative that is declaring war on arson as it relates to churches in this country, especially our black churches.

The initiative will take place through the offices of Members of Congress and it is in three parts. First of all, it provides arson prevention kits for every church in every Member's district that that Member wants to send that packet to, any church or synagogue. It will outline specific steps that can be taken locally to help reduce the possibility for arson.

Secondarily, we will be offering free half-day seminars to any Member of Congress that wants to establish a seminar for one half day for clergymen, for deacons, for ministers, for rabbis to come together with professionals who will be provided for free, to give those people direct insight into arson and how they can prevent it.

The third part of this initiative, Mr. Speaker, allows for a proactive effort to allow any church that so desires the contact their Member, and they will be provided a free professional survey of their church with specific recommendations that they can take to reduce the likelihood of an arson fire occurring, at no cost to that church or its congregation.

None of this is being funded by the Government. All of this is being provided by those individuals in the arson investigation community and the insurance industry who want to take proactive steps. It is in our hands now as Members of Congress to implement these recommendations, to coordinate these efforts, and to make sure there is follow through. There is much that can be done to reduce the potential for arson, and we must take the lead to make sure that that education is provided to every church and synagogue in this country.

Together, Mr. Speaker, as Republicans and Democrats and liberals and conservatives, as those representing rural and urban areas, we will solve this problem, and we will send a signal that anyone who ever contemplates the act of arson, especially at a religious

institution, is going to face the most severe consequences that this country can bring to bear.

We are going to mobilize the communities of this country in a way they have not been mobilized before to stop these despicable acts. I thank my colleagues, and I urge support of this resolution.

Mrs. CLAYTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, I want to commend my colleague from Oklahoma and my colleague from North Carolina for bringing this resolution forward.

I tell my colleagues that I worshiped on Sunday in the church that burned in Charlotte, NC, and I want to lift up two quick messages from the minister's speech that day. He said unequivocally to the people who are doing these burnings, "You can destroy the building, but you cannot destroy the church."

Second, he said to his members, "We have got to find a way to find the good in this and to rise above this and to maintain the values that we hold dear."

I hope all of us will keep those two things in mind as we condemn these church burnings and as we all vote, hopefully unanimously, in support of this resolution.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I commend the gentleman from Oklahoma for bringing this resolution in a timely manner to this floor.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee [Mr. WAMP].

Mr. WAMP. Mr. Speaker, of course we should all come together tonight and unanimously condemn these outrageous acts. But I want to come tonight from a little bit different perspective because, Mr. Speaker, long before I was a Member of this body, I was a member of a much greater body, and long after I am a Member of this body, I am going to continue to be a member of a much greater and everlasting body.

I hope that our gentleman from North Carolina is right that some good can come out of this, and I hope to my core that this serves as a wakeup call to the church, to all churches everywhere, that this could be an opportunity for the church to do its work, to build the kingdom of God; that our brothers and sisters in the predominantly white churches would come out of their churches between now and Sunday and between now and next Wednesday and offer to rebuild these churches; that this would be an opportunity for the kingdom of God to come alive here, that some good could come

out, that our brothers and sisters all across the land would offer their support.

I hear today that the Southern Baptist Convention took a step, but many more need to be taken to have some good come from this, that the kingdom would be lifted up, that we would go out as churches and offer to rebuild these churches, and that good would actually rise out of these ashes.

The most important word in the world today, that is needed so desperately in this country, is reconciliation. This is an opportunity for reconciliation. This is an opportunity for white folks to say, "We love you, black brothers and sisters, and we want to help you, and we hurt for you." Please country, come together.

Mr. Speaker, I call on people of faith all across America to get out of your church, take your resources. If ever there was a mission project for churches and religious institutions all across the United States of America, this is the mission project that could heal our land. Let us reconcile as a Nation, Mr. Speaker, through this one action, and have some good rise from these horrific acts.

GENERAL LEAVE

Mrs. CLAYTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 187.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mrs. CLAYTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Connecticut, [Mrs. DELAURO].

Ms. DELAURO. Mr. Speaker, I congratulate my colleague, Mrs. CLAYTON, on this resolution. I rise in strong support of the resolution.

I stand with my colleagues tonight to voice my outrage and condemnation of these church arson. As towns and neighborhoods begin that process of healing and rebuilding, it is imperative that we send a loud and a clear and a firm message to the perpetrators of these sick crimes that Americans will not tolerate bigotry or hate crimes.

□ 2145

The perpetrators must and will be punished. History teaches us that we all have a stake in the battle against the forces of hatred. We cannot stand and be silent. We must speak louder than the voices of hate. Those voices encourage violence and have resulted in the destruction of churches, churches built on faith, on hope, and on love.

I am proud to join my colleagues today in support of this resolution and urge its adoption. Further, I urge my colleagues to call on others to go to their districts, to speak out against the

voices and the actions of hatred in this country. It is only through such acts that we can prevent further violence and destruction.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Maine [Mr. LONGLEY].

Mr. LONGLEY. Mr. Speaker, I want to compliment the gentleman from Oklahoma and the gentlewoman from North Carolina for bringing this resolution to the floor. As a Representative from the State of Maine, I want to add my voice to the national chorus that denounces these instances of religious and racial hatred. I ask unanimous support for this resolution that we offer tonight.

Mrs. CLAYTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, I commend and thank the gentlewoman from North Carolina [Mrs. CLAYTON] and all of those who have joined with her for her leadership in expressing our collective outrage at what has been occurring in communities across this country. Now is the time for people of good will regardless of religion or their political persuasion or their region of the country to join together to condemn the outrage that has occurred and the attempt at intimidation steeped in hate on which it is based.

It is not enough merely to condemn. For while we are all outraged by what has occurred, we know that simply expressing our fury through resolution is only a first step. It is time to match our actions with our words and resolutions. So it is extremely important that the Church Arsons Prevention Act introduced by our colleague, the gentleman from Michigan [Mr. CONYERS], that would strengthen our ability to fight this kind of arson, be enacted at the earliest possible date in this Congress.

We should move forward on this legislation to halt attacks on our communities. Our communities are suffering, and they should look to our national leaders with confidence, for we have the responsibility to prove, as Barbara Jordan would say, that America is as good as its promise. In keeping this promise, we can be inspired by the congregations who refuse to be intimidated.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Speaker, I join my colleagues here and rise in strong support of this resolution. Since we have a limited amount of time, I would like to briefly comment on one aspect of this resolution, and that is Congress' full support of Federal, State and local law enforcement investigations.

We are going to do more than offer just words. As chairman of the subcommittee in charge of ATF's appropriation, I will be introducing supple-

mental legislation next week as part of the fiscal year 1997 Treasury appropriations bill to provide \$12 million in additional resources right here and right now. In addition, we will continue our commitment to solving these church fires with an additional \$12 million for fiscal year 1997, a total of \$24 million. If that does not do it, we will come back for some more.

This money will go toward the basics of law enforcement, overtime, travel offices, phones, rewards, money, and equipment. This will allow the establishment of full-blown church fire task forces, not just the high level discussions that the administration has been hosting but real offices in the States where these churches are being burned, agents answering calls and gathering evidence.

I have every confidence that we will be able to solve these crimes. ATF investigators have a world class reputation in arson investigation. They have been called in on challenging cases all around the world. They solved the World Trade Center bombing. They found the evidence that led to the arrest of the people who perpetrated the bombing in Oklahoma City. They unraveled the pipe bombings and mail bombings in the Southeastern United States of the judges several years ago. Interestingly enough, Louis Freeh, who is now head of the FBI, was a prosecutor. They brought them to trial. If we look back at 1992, when we had a series of church bombings, all but one of those crimes has been solved.

So I would say tonight to whoever is the perpetrator of these crimes, whatever their motives might be, because they have to be less than human, we are setting on your trail. If you are watching out there tonight, the world's premier arson investigators, they are going to find you. They are going to collect the evidence. They are going to collect it correctly and they are going to take you to jail. Then hopefully through the trial process you will be prosecuted and punished to the full extent of the law.

I think that is one thing that we can do. I think it is an obligation that we have to everyone in this country. It does not make any difference whether we are black or white or brown or whatever the color of our skin, Republicans, Democrats or not, when you start to attack anyone's house of worship, that is an attack on God. I think all of us rise up as brothers and sisters and revile that kind of activity. I think we have an obligation and a duty to find that these people are found, prosecuted adequately punished. We make that commitment here tonight to do that.

I compliment my two friends for offering this resolution.

The SPEAKER pro tempore (Mr. JONES). The Chair reminds Members to please address their remarks to the Chair.

Mrs. CLAYTON. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentlewoman from North Carolina and the gentleman from Oklahoma for bringing this resolution before us.

The church has long been the heartbeat, the very soul of the black community. In the 1960's, those who opposed the civil rights movement recognized that strength. Our churches were burned, looted and burned. Our holy places were no longer a place of sanctuary but a target of those who preached hate, division and intolerance. Today, despite the progress we made as a Nation and as a people, history is repeating itself. In the ashes, of these churches are the hopes and dreams of the African-American community, justice, equality and simple acceptance. The fires that destroyed these churches are fueled not only by gasoline and matches but also by hatred and intolerance and bigotry. There is a conspiracy, a conspiracy of intolerance.

Mr. Speaker, I urge all of my colleagues tonight to vote for this resolution and send a strong message to this Nation that we will build a sense of community. Let us use this occasion, let us use this resolution not to divide but to bring together. Bring us all together, not to tear down but to uplift. Let us speak tonight with one mighty voice. We must use our outrage to rededicate ourselves to building Dr. King's beloved community, a Nation in which we all are judged not by the color of our skin but by the content of our character.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, I would commend my colleagues from North Carolina and from Oklahoma for drafting and presenting this resolution this evening.

Mr. Speaker, what type of person, what type of twisted, sick mind would choose to launch an attack on a house of worship, no matter its denomination, no matter the people who choose to worship there?

Tonight, as my colleague from Georgia who preceded me in the well noted, it is time to come together. We often have spirited and contentious debate in this Chamber. Indeed, we champion that right to freely express differences of opinion honestly held. But tonight, Mr. Speaker, the call for all Americans should be, let us unite against those who would seek to deprive us of our most fundamental freedom, the freedom to worship individually or corporately according to the dictates of our own conscience.

Questions of motives, indeed veiled references, if you will, to one political philosophy or another really have no

place in this debate. Indeed, even as we could attack or isolate one form of communication, we could also point to the growing secularization of America and hostility toward churches and people of faith.

Let us come together, Mr. Speaker, tonight, resolute in the knowledge that all these actions taken against any house of worship are blatantly wrong, and this Congress will work to stop it.

Mrs. CLAYTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Alabama [Mr. HILLIARD].

Mr. HILLIARD. Mr. Speaker, I would like to take this opportunity to congratulate the gentlewoman from North Carolina for organizing this. It is very important.

I also would like to thank everyone who has been involved. I certainly hope that we will all vote in favor of the resolution so that we will have an opportunity to support the bill if it comes forth.

I would like to use just one-half of my minute to say that I had a very sad meeting on Monday of this week. I spoke to four ministers; each one of their churches had been set ablaze. There have been nine burnings in my district, more than any other congressional district. But one of the things that must be said here, not one of those ministers was satisfied with the efforts of the FBI and the ATF. In fact, it is a fact that the FBI and the ATF had mixed a voter fraud case with the church fire investigations causing conflict and intimidating members of those congregations. If they are sincere, if they wish to pursue the evidence on the fire, the fires that have been set, they must separate those cases.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. STOCKMAN].

Mr. STOCKMAN. Mr. Speaker, I would like to comment a little bit about this resolution. It is quite personal because in my district, they burned down a church, a little church on Galveston Island. Pastor Booth to this day has not been able to rebuild that church. He did not get much recognition, and he did not get much talked about because it was not fashionable at that point to talk about burning churches. But that church is still struggling to recoup from that terrible burning.

Right now Pastor Booth has got the foundation laid, and he is trying to put up the sides of the church. They burnt that church down, that beautiful town of Galveston where the breezes come across and you see the sandy beaches and everything. But right there in that town in which you would think that there would be no hatred, there was hatred. They burnt down the church. For what reason? I do not know. But I ask Members that the people of America as they are watching this debate to pray

and hold out their heart towards their saviour and their Christ that they may put an end to this burning, because this is not something that our country should have or should even have to be discussing.

□ 2200

In fact, if anything, it is disgusting that we have to talk about this, and I tell my colleagues as a member of First Bethel Church of Houston, I have a deep, abiding faith, and I believe that out of this there will be good that will come of it because I believe the American people, whether Democrat or Republican, they are honest and courageous and have basic faith in principles, in American principles which unite us in this tragedy, and once again I would like to offer up a prayer to Pastor Booth as he rebuilds his church down there in Galveston.

Mrs. CLAYTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, just a few short months ago I visited Bosnia, and Sarajevo as the city was one that stuck in my mind, stuck in my mind because in viewing that city what I saw most of all and what the people wanted to show me was the devastation and the destruction of their houses of worship. But one difference is: They were at war. It is tragic to now come home to America and see across this Nation symbols of war, people attacking churches, African-American churches, churches on the basis of hatred and dislike for someone else.

But, thank God, I recognize that churches are not just wood and stone, that we must give back the right of the people to worship in a constitutionally free society.

So it is important that I thank the gentlewoman from North Carolina for her leadership, for bringing us together, along with the gentleman from Oklahoma, that although we can rise and begin to articulate all of the efforts that we are making, and I applaud those efforts, that we must do more, and that must be to call for a week of prayer that will allow us to insure that we do bring America together from June 16 to June 23. And I thank the gentlewoman and gentleman for allowing this language to go in:

A national week of prayer that we may bond together to tell Americans who may think to do these dastardly acts that we will stand up against it and provide a safe and free place for all of America to be free in their houses of worship.

Mr. WATT of North Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. WELLER].

Mr. WELLER. Mr. Speaker, I wish to commend my friend from Oklahoma and my friend from North Carolina for their leadership and their bipartisan spirit, the bipartisan spirit of this so very important resolution.

This past Sunday I joined with a multid denominational organization called Jacob in one of the largest cities in my district, the city of Joliet, and Jacob is an organization representing the churches, black and white, Hispanic, Mexican, multid denominational. We all joined together, and we marched across the city of Joliet. Republican elected officials were part of the march, Democrat elected officials were part of the march, and church members were part of the march. And this march, frankly, was a response to an outrage that occurred locally in the community of Joliet, IL, and that was where a newly established church which had located on the west side of Joliet, a newly established church which was majority African-American, had been vandalized.

Mr. Speaker, we made very clear in our statement that there is no room for racism, there is no room for bigotry, there is no room for anti-Semitism in our community.

That is the spirit of this resolution, and I ask for unanimous support.

Mrs. CLAYTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois [Mrs. COLLINS].

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, let me, too, add my appreciation to the gentleman from Oklahoma and to the gentlewoman from North Carolina for bringing this issue up at this time, and I rise to speak of the shameful desecration of our Nation's African-American churches.

Mr. Speaker, as my colleagues know, these fires are burning our sacred edifices and fanning the flames of racial intolerance, but they are also burning the U.S. Constitution. All of us have a right to freely worship, something on which our very Constitution was built, and my colleagues know I am glad my colleague from Illinois happened to have mentioned that church burnings and desecration and vandalism are not just happening in the South, they are happening all across this land. As he pointed out so eloquently, right outside of Chicago, IL, there have been churches, one newly purchased by an African-American Baptist group, that had the side of its walls spray painted with the n word twice already, twice already in less time than a month.

It just seems to me that we ought to be very careful about these kinds of things because my colleagues know they hurt.

When I go to church on Sundays and put on my choir robe and sing praise to my God, I want to feel that my church is going to be there the next time I want to go there and worship. I certainly hope that will be the case in the future.

Mr. WATT of North Carolina. Mr. Speaker, I reserve the balance of my time.

Mrs. CLAYTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Alabama [Mr. BROWDER].

Mr. BROWDER. Mr. Speaker, I commend our friend from North Carolina and our friend from Oklahoma for bringing this resolution to the floor.

Mr. Speaker, about a month ago I had the opportunity to visit that church on 16th in Birmingham, AL, where several young women lost their lives. It is a beautiful place, and my colleagues would not know the horror unless they open a closet or look in the basement and see the cracked foundations.

We are here tonight, the good people of Alabama and all across this country to say no, no, we will not go back to those days and we will not put up with anybody burning our churches.

Mrs. CLAYTON. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Speaker, I rise in support of this resolution and in the condemnation of the tidal wave of racism and hatred that is threatening America's African-American churches.

I was a child in the 1960's, and in front of our family's big television set I watched in wide-eyed silence as fire hoses were turned on young black men asking only to be treated as real citizens, as vicious dogs attacked African-American women and their children, as little African-American girls, barely older than I was at the time, were killed in a cowardly attack on the church where they worshipped.

Today I am no longer a child, and I will no longer watch in silence as the African-American community suffers under the last of bigotry. Today I join the chorus of voices from all across this country, people of conscience, people from all regions, and all religions, all races, who are speaking out against the cowardly forces of hate and for a nation where all are valued and protected.

Mrs. CLAYTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida [Mr. GIBBONS], the ranking member of the Committee on Ways and Means.

Mr. GIBBONS. Mr. Speaker, I commend the sponsors of this resolution, and I condemn the perpetrators of the crime of burning churches and promoting disharmony in our country. But, Mr. Speaker, some good is going to flow from all of this, as perverse as that might be. America will have better arson laws than we have now. America will have better law enforcement in the field of arson than we have now. And if the perpetrators of these crimes are trying to drive the races apart, they have made a terrible mistake because whites and blacks will join together in greater unity in this adversity.

There can be no more cowardly and, I think, ineffective crime than burning churches. The history of mankind is that you can never succeed in persecuting anybody based upon their belief.

I do not know what the motives of these people are, but they are bound to fail, and I believe that failure will bring America closer together.

Mrs. CLAYTON. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, first of all I want the Congress and the world to know that we are grateful to the gentlewoman from North Carolina [Mrs. CLAYTON] and the gentleman from Oklahoma [Mr. WATTS], a sister and brother of mine who have brought this resolution in front of the Congress.

The church burnings are despicable acts, and they are very outrageous as well, perpetrated by these people who crawl on their bellies in our society. It is a very small segment of our society representing these burnings.

I also want to commend the President of the United States, who went to lend his sympathy to the people who were churchgoers from these churches.

We need leadership at all levels, I think, both the Republicans and the Democrats in the Congress, because the churches of this country, they do not lean on parties, they lean on God, and it is so important that we solve it in this resolution.

We cannot say with all confidence that these burnings will stop. We hope that they will. I think the people who have come out with fresh and adventuresome initiatives want to be sure that these things do not happen again. But we cannot say with all confidence because we know prior history shows us that it is not beyond them.

Peter, one of Christ's disciples, said: "Upon this rock I build my church, and the gates of hell shall not prevail against it."

Let us pass this resolution.

Mrs. CLAYTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, I want to thank our colleagues and join with all who have expressed the gratitude of Members of this body to the gentlewoman from North Carolina and the gentleman from Oklahoma for their initiative in bringing this before us and to join with so many others this evening in sharing our dismay at the events that have spread across this Nation in recent weeks.

I particularly want to thank those congregations that have opened their doors to those who have lost for now their places of worship and to call upon congregations everywhere across this country this weekend and in coming weeks to join together in sharing their diverse traditions of worship with other congregations in their community symbolically to join together with

those who share these podiums tonight and to let the word go forth from every pulpit and pew in this Nation, with voices joined together, to say that there is a message that binds us altogether:

That in the United States of America there is no tolerance of intimidation and no license for hatred.

Mrs. CLAYTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Washington [Mr. McDERMOTT].

Mr. McDERMOTT. Mr. Speaker, I want to commend my colleagues for bringing this resolution. The gentleman from Ohio [Mr. SAWYER] and I were in the car starting home, and he said to me, "Should we go and say something?" And I said yes, because I thought of Dietrich Bonhoeffer, who was a Lutheran minister in Nazi Germany, who, when they came, he said:

When they came for the trade unionists, I did not speak up; when they came for the Catholics, I did not speak up; when they came for the Jews, I did not speak up. When they came for me, there was nobody left.

If we do not speak up for each other, none of us are free in this country.

□ 2215

Mrs. CLAYTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia [Mr. BISHOP].

Mr. BISHOP. Mr. Speaker, I grew up in an America where young people were taught the love of God and country, values and character and integrity, to be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, and reverent; an America where hats were removed when a funeral procession came down the street and all movement ceased; where a church ground was sacred and where the sanctuary was treated with reverence. My, how America has changed.

Almost 2,000 years ago Jesus said, upon this rock I will build my church and the gates of hell shall not prevail against it. Well, I am happy to say that that was true then and it is true now.

Mr. Speaker, I am happy to join with my colleagues on both sides of the aisle here tonight to join in one voice, the voice of brotherhood, to say that in this House, in this country, people of goodwill all across this Nation are expressing today and tonight their outrage at what has happened, but more importantly, we are exerting our prayers all across this Nation for those poor souls who are responsible for this dastardly conduct.

I support my colleagues and this resolution, and God bless America.

Mrs. CLAYTON. Mr. Speaker, I yield 1 minute to the gentleman from the great State of Oregon [Mr. BLUMENAUER] a new Member of Congress.

Mr. BLUMENAUER. Mr. Speaker, I am saddened that my first appearance before this body is on the occasion of

such a hateful event. I think we all had hoped that this was behind us. But I am heartened by the attitude and tone of love and reconciliation that one hears this evening.

I find I must join with the words of my colleague from Georgia. We pray that we are aware of this terror as we go about our business, remembering the power of words and the power of reconciliation, because I think if we remember this somber, yet hopeful moment, as we go about the rest of our business on behalf of the people, that this hateful act of racial intolerance and bigotry will help us do our job better for the American people.

Mrs. CLAYTON. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, I thank the gentlewoman for her leadership and that of the gentleman from Oklahoma [Mr. WATTS] for their help and leadership on this very important presentation tonight, and I think the American people have come together in total horror about the recent church burnings. We are taking action here tonight to show the outrage of Congress that this has occurred and to take positive action.

This afternoon there was a presentation by our colleagues, in working with the insurance companies to make sure that we assist these churches with fire prevention programs and work with our fire caucus in making sure that this does not occur, and legislation that is going to increase the penalty for arson, and most of us, to bring about the inspirational setting of Republicans and Democrats working together, the African-American community and the white community and the Hispanic community in all parts of this country working together, brothers and sisters, to make sure that this kind of bigotry and hatred is ended. I thank again both of these Congress people for bringing this issue forward and to make sure that we take positive action.

Mrs. CLAYTON. Mr. Speaker, I yield 1 minute to the gentlewoman from Wyoming [Mrs. CUBIN].

Mrs. CUBIN. Mr. Speaker, I would like to thank the gentlewoman for yielding this time to me.

Mr. Speaker, I am proud to be here this evening to speak on this issue. I think that every time that there is a problem in our country, we pull together as Americans. We have won two world wars, we have put a man on the Moon. We have the best health care system in the world. When we need a neighbor, when we need a friend, Americans are always there to pull together to help one another. I am grateful that we have the opportunity to speak on this issue tonight. We will not accept, in no way, this sort of behavior. I think we should use every effort and every resource we have to try to find the peo-

ple that are responsible for this and bring them to justice.

Every cloud has a silver lining, and the conciliatory tone of this Congress this evening is heartwarming, and I hope the people across the country can feel the sentiment that we feel here this evening.

Mrs. CLAYTON. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Mr. Speaker, freedom of religion and freedom of speech are the two most precious rights in our American society. Implicit in our freedom to worship the God of our choice is the freedom to worship without fear. It is a very sad day when the right to worship without fear has been jeopardized by the unconscionable torching of houses of worship.

I am pleased to join my colleagues in strongly supporting H.R. 3525. However, as much as we try through legislation to stop the fires, the most important change must come in the hearts of those who hate. I just have a message for those out there: Remember what you plant will come back to you. I do believe that there is a God, and you are creating a fire here, but know that there is going to be a great day, and that fire will burn eternal.

Mrs. CLAYTON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the recent rash of burnings of African-American churches has cut a swath of destruction across this Nation and has called into question America's will to resist racism.

The President has responded swiftly, outlining a four point plan of action and today, in a strong demonstration of will, travelling to South Carolina, one of the burning sites.

It is now time for Congress to stand up. It is now time for Congress to speak out. It is now time for Congress to act.

One of the most important things Congress can do is to let our voices be heard. Sometimes silence is viewed as acceptance.

Sometimes no position is regarded as a position.

Sometimes failure to act is tantamount to acting.

Indeed, many believe that the growing divisions and racial strife in America today is due, at least in some part, to the divisions and strife that have been evident among this Nation's leaders.

But, despite our differences on politics and policy and party and despite the fact that we have had deep disagreements during our deliberations and debate, I believe this Congress and my colleagues will stand together to resist racism.

The fact that those who have done these wicked deeds have chosen to do them to houses of worship—the very places we hold most dear and most precious, leaves no doubt in my mind that good will come from this evil.

Our churches, our synagogues, and our mosques have always been places of peace and sanctuary, a welcome retreat and shelter from the problems and difficulties outside.

But, for the past 6 years, African-American churches have been targets for arson, places of anguish, unsuspecting victims of a pattern and practice of violence.

Assistant Attorney General Deval Patrick has referred to these acts as an "Epidemic of Terror."

And, while there is no evidence of conspiracy, it is strangely coincidental that more than 50 African-American churches have been burned during the 1990's, with 32 of those burnings occurring in 1995 alone.

On average, Mr. Speaker, two African-American church fires have taken place each month, over the past 18 months. Since late Friday, four churches have been victims of suspicious fires.

If this is not an "Epidemic of Terror," it is certainly a situation that is far too extensive to be ignored.

Prior to today's church burning in Oklahoma most of these fires have been concentrated in nine Southern States, including Alabama, Mississippi, Tennessee, Georgia, Louisiana, South Carolina, North Carolina, Texas and Virginia.

The investigation of the fires has been difficult.

Nearly all of them have taken place in rural and remote areas, during late night or early morning hours.

There have been few if any witnesses, and the fires have generally not been discovered until the churches have burned to the ground, leaving little evidence for law enforcement.

The President's response has been strong and forceful.

He has outlined a four step plan that has been put in place in response to these acts.

The private sector has also stepped forward.

For example, NationsBank in my State of North Carolina has offered a half million dollar reward for information leading to the arrest and conviction of the person or persons responsible for the recent church fire in Charlotte.

It is now time for the Congress to step forward.

It is time now for Congress to be heard. First, we should all support the bipartisan legislation introduced by our colleagues, Mr. CONYERS and Mr. HYDE.

That legislation would make it easier to bring prosecutions and stiffen the penalties against those who target houses of worship.

I would urge support for House Concurrent Resolution 188, a resolution I have introduced that now has more than 100 bipartisan cosponsors, expressing the collective outrage of Congress and denouncing these acts of arson.

We condemn the burnings, pledge to assist law enforcement, support the Conyers and Hyde legislation and appeal for broad community preventive action.

And, finally we should all, work within our respective communities to help prevent future arson.

These acts of hate that have wounded our souls have inspired acts of love that have renewed our faith.

Across the country, volunteers have stepped forward to help rebuild the burned churches.

I was especially moved by the story of Rev. Terrence Mackey, who awakened one morning to a spot in a field where this church had stood and said to his daughter "They didn't burn down the church. They burned down the building in which we hold the church. The church is still inside all of us."

Fittingly, on June 15, Reverend Mackey, his daughter, the congregation and friends will undertake a symbolic march from the scorched earth site of the old church in Greeleyville, SC, to the pristine site of their new church.

House Concurrent Resolution 188 also recognizes June 15 as a day when all members can join with Reverend Mackey, his daughter, his congregation and others, in whatever gesture is deemed appropriate, to say to those who would promote evil, that you have burned our churches, but you can not burn our spirit.

Mr. Speaker, There is a time to be silent and a time to speak. With these burnings, this is a time to speak.

I urge every Member to speak out against these church burnings in their communities. And, I urge every citizen to resist this racism.

These acts do not represent America, and we must demonstrate to the world the true spirit of our great Nation.

□ 2230

Mr. Speaker, I yield back the balance of my time.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I came here this evening with the gentlewoman from North Carolina [Mrs. CLAYTON] and the rest of my colleagues on both sides of the aisle to introduce a House concurrent resolution addressing a serious crime called arson, and more specifically the recent horrifying crime of arson used to destroy more than 30 black churches around the country, over the last 16 or 18 months, including a church that burned last night in my home State of Oklahoma, where arson activity is suspected. My sympathies and condolences go out to those affected by these senseless and tragic deeds.

In Eufaula, OK, where I grew up, our church was the heart and soul of our small community. It was a symbol of hope and faith, of pride and serenity.

The church is where we would all gather to rejoice in celebration and pray in times of sorrow. It was the cornerstone of our community and it is a special place that holds some of my dearest memories.

This atmosphere is not unique to me. American should be a country of faith and community. There are thousands of cities who see their church as the fabric of strength in their community. It is inconceivable to me that anyone would try to destroy this very fabric that provides the identity and life for a community simply out of hate and ignorance.

By setting churches on fire, not only are these vandals attempting to destroy the house of a community, they are destroying the house of God. This is one of the most horrific crimes a person can commit.

As a man who has been brought up with faith in God and faith in justice, I call upon our judicial system to take action against these terrible violations of liberty. We cannot sit idle and tolerate these acts of hate. We cannot watch these criminals continue to torch any more sanctuaries of faith.

It is my hope that the proper authorities—the Justice Department, the Attorney General, and State and local officials—will move swiftly to investigate and stop these vicious crimes. I think Martin Luther King, Jr.'s words still hold true today when he said, "A threat to justice anywhere is a threat to justice everywhere." These burnings are a serious threat to justice and will lead to more perilous consequences if justice is not served. This country has worked too hard to heal the wounds of racial divide to allow ignorant individuals to once again divide us in our communities.

There is no excuse for the lack of commitment dedicated to serving justice and finding the individuals responsible for these arson activities. I commend groups like the Christian Coalition for efforts to help find the culprits, and I challenge other organizations, citizens as well as elected officials to help fight this battle.

Fire spreads fast and furious, and once it is out of control, we may not possess the means to contain it. It we do not insist that justice is served, the fire of hate and ignorance will continue to burn and spread, reducing all we have strived for to ashes of despair.

We need to extinguish these fires and reignite the fires of faith. These affected communities are not letting the fires burn down the foundation and fabric of their community. They will rebuild and show an unwavering strength of faith. The victims of these church burnings are not letting the vandals win, and we cannot allow them to win either. It is our obligation to do all that we can to see that justice is served and that the people responsible for these crimes are caught and punished.

Beginning with the times back in Eufaula, OK, and even more as a minister, when I have needed strength and guidance, I have turned to my church and to my God. I cannot imagine not having a church to turn to. These burnings represent more than arson activity. The burnings represent a violation of basic rights and basic freedoms. I have always enjoyed the freedom to practice my religion in a place I feel safe. That is a right the Constitution provides to me. It is my hope that we will not deny that right to anyone, and that justice will suffocate the fires of hate and continue to kindle the torch of liberty, as we provide justice for all.

Mr. ROEMER, Mr. Speaker, I am pleased to be a cosponsor of House Concurrent Resolution 187, a measure to condemn the sinister and hateful arson plaguing African-American churches in our Nation. This is a national shame that such activity could continue in this day and age, and deserves a national and immediate response.

That someone, anyone, could attack a House of God is unforgivable. Our churches, our synagogues, our temples, are not just houses of worship, but symbols of our commitment to understanding and tolerance. Understanding of our mission in this great Nation under God, and our tolerance of our wonderful diversity. These attacks on our present truly mar our past, where in recent times we have worked so hard to grow in acceptance and understanding. In so many ways, we have all come to know and understand and appreciate one another. Of course, we have a long way to go.

But we should not—and will not—tolerate the hateful acts of those who would pull us backward, destroy our hard-won progress, and elevate their own base and evil feelings into an otherwise enlightened progress. Yes, we have far to go, but we will never go back.

Mr. Speaker, this resolution is a start. It is a step on the path to healing. But it also lays upon us a commitment. This commitment is to realize that the fight against racism, against bigotry, against hatred, is still very much needed and very much ours, because the world is far from perfect. When even our houses of worship are targets of those who would oppose peace and fairness in society, then we must truly be on our guard, physically and spiritually.

We can surely fight these heinous acts with the full weight of the law, and we surely should. But we must also fight them with the spirit, knowing that the love of God unites us all. And even as we celebrate the blessings that God gives us in this great Nation, we must always be diligent in fighting those who would rob us of those gifts.

Mr. Speaker, the evils of those whose hatred has conquered their spirit must not be allowed to conquer our spirit, and may this resolution be a beginning in our demonstration that love and brotherhood will conquer all. In the end, justice must and will reign, and those that tear down the House of God, no matter what the color of the person that worships within, will find that mercy will drown their hatred.

Mr. FRANKS of Connecticut. Mr. Speaker, I and a great number of my colleagues are un-

derstandably alarmed by the rash of intentionally-set church fires—many of those of African-American congregations—which have been occurring in the United States, particularly in the Southeast.

We have seen the lamentable pictures and images on the television news, Mr. Speaker. The parishioners wandering about the charred ruins of what used to be their church. Reverends and deacons wondering aloud where their flock will go to worship and how they will cope. Church patrons left wondering what sort of twisted individual could commit the heinous crime of burning down a house of worship.

We must take a good look at these sobering facts by this epidemic of hate. According to a recently-sent Dear Colleague by two of our most-distinguished Members, HENRY HYDE and JOHN CONYERS, since October of 1991, there has been 110 incidents of church arson that have been reported to Federal authorities with thirty-three of these arsons committed this year. Messrs. HYDE and CONYERS also inform us that since the beginning of 1995, of the 51 church arsons committed, more than half of them involved African-American congregations.

Meanwhile, officials from the Department of Justice have stated in testimony that our current laws do not give our Federal law enforcement officials the needed tools to prosecute and punish those sick, evil individuals who desecrate or burn our places of worship. Mr. Speaker, we need to amend our laws so we can incarcerate those who perpetuate bigotry and hatred for the good and well-being of society.

Accordingly, I encourage my colleagues to join me in rising in strong support of H.R. 3525, the Church Arson Prevention Act of 1996, which has been offered by Congressman HYDE and Congressman CONYERS.

H.R. 3525, of which I am a cosponsor, will make important changes to the laws which are present on the books so that we may send more of these fire-toting hatemongers to jail.

This bill, as noted in Messrs. HYDE and CONYERS' Dear Colleague, would broaden the scope of the statute which makes it a crime to damage religious property or to obstruct a person in the free exercise of religious beliefs by applying criminal penalties if the offense 'is in or affects interstate or foreign commerce.' According to Congressman HYDE and Congressman CONYERS, H.R. 3525 will thus provide the amendment to our Federal statutes that will grant Federal jurisdiction, and thus will augment the Attorney General's ability to prosecute these arson cases.

Also, this bill will reduce the current dollar value of destruction which must occur before these crimes of desecration may be prosecuted. At the present time, our laws state that the loss from the destruction of property must be more than \$10,000. However, H.R. 3525 will reduce the dollar threshold to \$5,000. As Congressman HYDE and Congressman CONYERS rightly point out, by reducing this threshold to a lower dollar number on destruction, it will make it easier for the Federal Government to prosecute more of these arson cases.

Mr. Speaker, this House should put its foot firmly down on those who would espouse ter-

ror and religious bigotry. To help do that, H.R. 3525 should be wholeheartedly supported by every Member of this Congress.

Mrs. KENNELLY. Mr. Speaker, I rise in strong support of this resolution to condemn the horrific outbreak of church fires in the South.

There is little doubt that those who are responsible for these church-burnings are trying to send this Nation a message, one that we had hoped faded away years ago, but which is still very much with us. It is a message of hate and exclusion, and it is a message of bigotry and intolerance.

Like many of my constituents, I have struggled over recent months to understand the thought process that would lead someone to set fire to a church. Few structures symbolize security and peace in a frightening world better than a place of worship. By destroying these buildings in such a violent and ruthless way, the perpetrators of these crimes are telling millions of Americans that they should not feel at peace in their communities, that they are not secure.

At times like this, we can find some comfort in the fact that no amount of violence can destroy the progress we have made toward becoming a more tolerant society. Everyday, in communities across the country, men and women young and old are teaching the lessons of peace, love, and faith so central to American life. But even as we take comfort, we cannot become so comfortable that we do nothing. For if we do nothing, we are accepting bigotry as part of our social landscape—and we will never accept that.

Cowardly actions demand powerful responses. The President began today by saying, "They know not what they do." Some may not know, but the perpetrators of these acts know exactly what they do—and it cannot be tolerated.

When those who burn churches send their message of hate, good people across this Nation need to rally together. When bigots tell millions of Americans that they are less than equal, then we must tell the bigots that we are all brothers and sisters. And when arsonists sink in the dark of night trying to undermine our community, we must stand up in the light of day and proclaim that our community is far too strong to be damaged by their actions.

Those who burn churches want to mark the Earth with the ashes and rubble of their intolerance. Instead, let us rebuild these churches as a living memorial, made of stone and brick, to our commitment to human rights and human dignity.

By passing this resolution, we let the purveyors of hate know that the good people of this Nation will drown out the message of hate wherever it appears.

Mr. WATTS of Oklahoma. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. JONES). All time for debate has expired.

Pursuant to the order of the House of today, the previous question is ordered.

The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

WHITE HOUSE FILE SCANDAL— THE AMERICAN PEOPLE DE- SERVE ANSWERS

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. HAYWORTH. Mr. Speaker, there certainly is no deficit of delusion, distortion and desperation from these born-again budgeteers on the liberal side of the aisle, but, Mr. Speaker, I come here today to commend to everyone's attention the article that appears in this morning's Wall Street Journal headlined "Inside the White House File Scandal", which I submit for the RECORD:

[From the Wall Street Journal, Thursday, June 13, 1996]

INSIDE THE WHITE HOUSE FILE SCANDAL

(By Gary W. Aldrich)

I loved my career with the FBI and treasure my years as a special agent. Of the many assignments I was privileged to have over the course of a 26-year career, the highlight was the five years, just prior to my 1995 retirement, I spent assigned to the White House.

For more than three decades the FBI, the Secret Service and the White House Counsel's Office had worked as a team to clear the hundreds of new staff members who come with each new administration. This clearance process entailed a lengthy FBI background investigation to document the good character of every White House employee. It was a comprehensive and effective security system, perfected by six presidents to protect national security, the taxpayer and the White House itself.

DEEPLY DISTURBING

But the things I saw in the last 2½ years of my tenure deeply disturbed me. And the recent disclosures that the Clinton White House requested, and the FBI provided, more than 340 background investigations on previous administrations; employees raise questions that pierce the very heart of national security, and call into question the relationship between the White House and FBI.

Some presidents have made good use of the FBI background investigations, and some to their regret have not. Never before has any administration used background investigations of another president's political staff. FBI employees knew it would be wrong to give raw FBI files on political opponents to the other party. In fact, they knew it would be illegal, each disclosure a violation of the federal Privacy Act.

Why, then, did the Clinton administration request such files, and why did the FBI provide them? The White House's "explanation"—that it was "an honest bureaucratic snafu"—is really too much for this FBI veteran to believe. How does a unit at FBI headquarters copy and box for shipment to the White House Counsel's Office more than 340 highly confidential files, when the two FBI supervisors are both lawyers? Do the White House and the FBI really expect us to believe that the wholesale copying of hundreds of FBI files wouldn't raise an eye brow? That the two FBI supervisors didn't know who James Baker was? If the FBI supervisors didn't know that hundreds of confidential files were going out the door, they were so grossly negligent as to imperil not

only the civil rights of more than 340 individuals, but also national security.

In truth, I know that FBI management had plenty of warning that elements of security and background investigations were drastically wrong at the Clinton White House. As early as May 1993, Special Agent James Bourke, supervisor of the FBI office responsible for background investigations, had come under fire when, at the behest of the White House, he started a criminal investigation of seven innocent men in the Travel Office.

Not publicly known until now were the constant warnings that Mr. Bourke and other FBI management received from me and from my partner, Dennis Sculimbene (who would go on to testify against his own agency and the White House as a defense witness in the Billy Dale trial). Why are Mr. Bourke and the good folks at the FBI just now finding serious reasons to check on the legitimacy of the requests of this White House? Documents exist that prove they have known about these problems for years. Mr. Bourke declined to be interviewed for this article, so one can only speculate as to why he ignored the repeated warnings. It may be that, like any bureaucrat, Mr. Bourke was simply trying to win favor from those he thought could advance his career—in this case, officials at the White House.

These allegations are more serious than anything we have seen in decades. So how can the White House, through Attorney General Janet Reno, be allowed to order the FBI to investigate itself? No federal bureaucracy is good at conducting an internal probe that has this kind of potential for explosive political revelation.

Right up to the time I retired in June 1995, Mr. Bourke and other FBI supervisors responsible for background investigations continued to honor each and every outrageous request the Clinton White House Counsel's Office made. Mr. Bourke cannot claim he did not know these requests were improper. He was well aware the Clinton administration had relaxed the security system at the White House so that those loyal to the administration could evade background checks. Other agents and I had told him so, and scores of documents gong across his desk provided more evidence, just in case he did not believe his own agents. In fact, at the time the White House requested the files on previous administrations' appointees—one full year into the Clinton administration—more than 100 Clinton staffers, including then Press Secretary Dee Dee Myers, still had not been investigated by the FBI for passes or clearances.

Yet the Clinton's White House Counsel's office apparently was wasting no time looking deeply into the background of any one who was not lucky enough to have been hired by President Clinton. As Mr. Bourke also knew, permanent White House employees whose loyalty to the Clintons was in question were in for some "special" attention, Hillary Clinton style. For example, permanent employees in the White House residence who were suspected of being disloyal to the first lady were reinvestigated out of sequence, that is, early—in some cases four years before their periodic review was due.

Some of these staff members, appointed by Presidents Carter, Reagan or Bush, had just been cleared by the FBI. When I attempted to head off what appeared to be unnecessary and premature investigations by offering to obtain copies of the background investigations, my superiors at the FBI and Craig Livingstone, director of security for the White

House Counsel's Office, effectively told me to mind my own business. What prompted the White House to investigate these staffers was a story, leaked to the press, that Mrs. Clinton had thrown a lamp at the president during a domestic argument. The Clintons had to know who the leader was. Result: Decent, loyal, law abiding citizens with spotless records were investigated by the FBI again, just to make sure. I believe that these permanent employees were being harassed and that if anything, anything at all, had turned up in a new FBI probe, they would have been summarily tossed out the door to "make slots" for the Clintons' people. And indeed, other employees besides Billy Dale were fired on the basis of these investigations.

At the same time, the White House was requesting copies of FBI investigations of hundreds of long-gone Reagan and Bush staffers. Why? Knowing that the Clintons casually used the FBI to weed out politically suspect employees, would it be so unreasonable to suspect them of also misusing the FBI to investigate political "enemies"? Statements by Clinton spokesmen that nobody looked at these FBI files are as plausible as saying that if 340 Playboy magazines were sent to a boys' high school, they would remain in their boxes, unmolested.

BEDROOM-SIZE SAFE

The safe where these secret records were allegedly kept was the size of a small bedroom. Maybe the files were taken out of the safe, and maybe they weren't. There was no need to take them out to examine them. Anyone—including Mr. Livingstone, whose desk was just outside the entrance to the safe—could have walked in, sat down at the table and perused the files to his heart's content. And the security office was equipped with a photocopy machine. I knew Mr. Livingstone as a fierce defender of the Clintons, especially Mrs. Clinton, who handpicked him for this sensitive position.

Which of these files were copied, and where were the copies sent? The time has come for real explanations, real investigations of the Clinton White House Counsel's Office and, sadly, maybe even of the FBI. In particular, Mr. Bourke and Mr. Livingstone should explain their roles. These FBI files could not have been requested, received and maintained without Mr. Livingstone's full knowledge, consent and direction. Mr. Bourke is responsible for protecting the FBI files and for ensuring the FBI's arm's-length relationship with this or any administration.

These two men should be brought before both a federal grand jury and Congress to account for this highly irregular conduct—conduct that has embarrassed the presidency and the FBI, undermined the public's trust in both institutions and potentially violated federal law. The Clinton administration has earned its reputation. But the FBI—my FBI—deserves better. Enough is enough.

Listen to what Gary Aldrich, a former FBI official, writes: "Never before has any administration used background investigations of another President's political staff." How does a unit at FBI headquarters copy and box for shipment to the White House Counsel's office more than 340 highly confidential files when the two FBI supervisors are both lawyers? Do the White House and the FBI really expect us to believe that the wholesale copying of hundreds of FBI files would not raise an eye brow?

Oh, it raises more than an eyebrow, it raises serious questions. The American people deserve answers. This House will find those answers.

ANSWER TO THE QUESTION: WHAT IF IT WERE A REPUBLICAN ADMINISTRATION?

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I came to this floor to talk about this historic vote yesterday when all the Judiciary Republicans voted unanimously against defining marriage as a non-adulterous, nonmonogamous relationship. I found that shocking.

Mr. Speaker, I really want to talk about something else now after listening to this. I want to congratulate the Republicans for being concerned about FBI files, and I want to congratulate this President for apologizing for what happened, and I want to say to the Republicans I can answer the question about what would happen if it was a Republican administration.

In 1972, when I was a candidate for Congress, our house got broken into over and over, our car got broken into, we kept having Jim's barber, my husband's barber show up at our house. We could not figure out what was going on.

Many months after I got elected a man got picked up for breaking into a house, and he said, "You can't do this to me because I've been hired by the FBI to break into SCHROEDER's house."

That was the Nixon FBI. Not one Republican came forward and said anything about it, nor did President Nixon.

So, let us put this in context, please.

Mr. Speaker, yesterday was a sad day for the institution of marriage. The House Judiciary Committee voted down an amendment I offered that would have defined marriage as a nonadulterous, monogamous relationship.

For all their talk about family issues, not one Republican voted for my amendment. The party of family values failed to stand up for them when it counted. That's because in introducing the Defense of Marriage Act, the Republicans are far less interested in defending family values than in stirring up division and fear in the election season.

This bill is the first attempt in history by the Congress to define marriage. Traditionally, the power to define and regulate marriages has been entirely up to the States. What is the grave threat facing marriage that would prompt Congress for the first time in 200 years to sound the emergency alarm? Well, maybe in the next 3 years, the State of Hawaii, might recognize same-sex marriages.

But everyone knows that adultery is a far greater threat to marriage than the speculative threat of same-sex marriages, which not one State recognizes today.

Well, if Congress is going to define marriage, then I think it's important to make it clear in that definition that we do not condone

adultery. But not one Republican was willing to make commitment to marriage.

Yesterday's committee vote showed who values families and who's just fooling around.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. COLLINS of Georgia). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

BURRELL COMMUNICATIONS 25TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, this evening it is my pleasure to honor a distinguished citizen and corporate entity from my district, Tom Burrell and the Burrell Communications Group who on tomorrow, June 14, will celebrate 25 years of outstanding service to African-American consumers.

In this wonderfully diverse Nation it is essential that the broad span of American diversity be fully represented in advertising. It is good business because it extends the reach of corporate marketing efforts, and it is good social policy because it creates positive images of African-American culture, serves as a bridge of information and awareness among general audiences, and as a source of inspiration and self-esteem among African-Americans.

Twenty-five years ago as a young copy writer Tom Burrell affirmed that the best way to communicate with the black consumer is through the natural channel of communications, the African-American advertising agency. And thus began Tom's legacy of developing culturally relevant and sensitive advertising messages that have over the years generated business-building, award-winning marketing communications programs for some of our Nation's best-known companies.

Tom Burrell's creativity work embodies the highest level of professionalism. His award winning advertisements are often imitated by general advertising agencies. And most importantly he has never forgotten his community. Burrell Communications continues to be a significant training ground for young African-Americans in the advertising industry. Their work and financial contributions for the betterment of our community and our nation must not go unmentioned.

Tom has overcome many, many difficult obstacles in making these achievements, and some surely remain.

Mr. Speaker, it has always been one of my highest legislative priorities to work to improve conditions for Afri-

can-American, women, seniors, and minorities in every aspect of this society. I first introduced The Non-Discrimination in Advertising Act in 1987, and I introduced H.R. 177, the Diversity in Media Act in 1995.

I am proud that I have been successful in amending a great deal of legislation over the past 23 years to make sure that minorities were included.

I would like to officially thank you Tom and the Burrell Communications Group for the roles you have played in helping me better understand the barriers confronting the African-American advertising agencies. They have been an invaluable resource to me and my staff as we have worked to shape legislation to ensure that African-Americans and African-American advertising agencies are included in the mainstream of advertising industry.

Mr. Speaker, I am proud to salute the leadership and service displayed by Tom Burrell and the Burrell Communications Group. Tom Burrell's courage, vision, leadership, and creative contributions to the advertising industry have been a continuing source of inspiration and self-esteem for African-Americans.

I look forward to continuing to work with him and the African-American advertising industry as we move forward into the 21st century. I salute and thank Tom Burrell and the Burrell Communications Group for 25 years of positive images of African-American culture in American media. I am confident that the next 25 will be even more fruitful.

FILIPINO WORLD WAR II VETERANS DESERVE HONOR, RESPECT, AND RECOGNITION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, this evening we have heard many moving words about bringing America together, about justice for all. I want to speak about bringing justice to another group of people. Today, Congress, after waiting for 50 years, has an opportunity to restore to Filipino World War II Veterans the respect and honor they so richly deserve.

Today, Representative BENJAMIN GILMAN, the distinguished chairman of the House International Relations Committee, joins me in introducing a resolution in the House of Representatives to recognize the brave service of these veterans and their contributions to the victory of the United States in World War II.

Joining us as original cosponsors are a representative number of Members from both sides of the aisle, including Representative BOB STUMP, the chairman of the House Veterans' Affairs Committee, and Representative G.V.

(SONNY) MONTGOMERY, the ranking Democratic member of the Veterans' Affairs Committee, who support recognition for the Filipino World War II Veterans. Senators INOUE and AKAKA are also introducing this concurrent resolution in the Senate. Many more Representatives have also joined us as cosponsors of H.R. 1136, the Filipino Veterans Equity Act.

It is truly hard to believe that soon after World War II ended—the war in which Filipino soldiers died defending the American flag in the epic battles of Bataan and Corregidor and through four long years of enemy occupation—the 79th Congress in 1946 voted to rescind the benefits and recognition that were promised to these soldiers.

It is even harder to believe that Filipino World War II veterans have been kept waiting for over 50 years for the recognition they deserve. Many have already died, and in 15 years, there will no longer be any of these veterans alive.

The bullets in World War II did not ask if their target was an American or Filipino soldier. Both Filipino soldiers from the United States mainland fought side-by-side against a common enemy. We must act now to redress the wrongs these Filipino veterans have suffered.

This concurrent resolution will finally recognize the contribution of the brave Filipino World War II veterans. I urge my colleagues to join with Representative GILMAN and me to correct this injustice.

□ 2245

TIME TO TAKE BACK THE AMERICAN DREAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas, Mr. SAM JOHNSON, is recognized for 5 minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, is your tax bill too high? Do you worry about paying your bills. Hardly a day goes by without a call or letter from a constituent or a friend telling me how they struggle from day to day to make ends meet and how they worry about their future and their children's future.

It is wrong, simply wrong, that so many families are working harder and longer, but continue to have less and less to show for it.

I have to wonder why more people are working two jobs and why more families are forced to have both parents work, yet everyone has less money in their pockets.

I have the answer—it's the Washington tax trap. The longer and harder you work, the more taxes you pay. The more taxes you owe. The bottom line is that Washington ends up with more, and you end up with less.

Think about what the tax trap has done to society, to families, and to

working parents. When I was a child, the largest investment most families made was in their home. Guess what, now it's paying their tax bill.

In 1950, taxes took just a fraction of our income. Today, almost half of what you earn goes to the Government. Half. That is more than a person spends on food, clothing, and shelter combined.

The tax trap is punishing working parents who are trying to balance career and family, and the children who are in daycare because both parents have to work are feeling the pain of high taxes.

In the America that I grew up in, if you worked hard and played by the rules, you still had enough money left over from your paycheck to put something away for the future, and enough for those little extras that made life special. That was the American dream.

The American dream was also about making a better life for the next generation—so that children would have more opportunities, more choices, and be better off than their parents.

But now, for the first time in our history, an entire generation of Americans is losing hope and confidence in the future.

And all blame for this uncertain future lies right here in Washington. For decades, Washington, DC has told America that everything is OK—don't worry, Washington can solve all of your problems.

But at the same time Washington has been spending our children's inheritance and creating a national debt that now undermines our future.

For too long, Washington has increased the debt by spending more than it takes in, to pay for a growing bureaucracy—a bureaucracy that includes 160 different job training programs, 240 education programs, 300 economic development programs, and 500 urban aid programs.

A bureaucracy that pays over 1,900 union employees at the Social Security Administration using money from the Social Security trust fund.

How does Washington afford all this? By taking more of the money that you earn. Take Bill Clinton. He wasn't in office 100 days before attempting to raise taxes. By comparison, Republicans spent their first 100 days trying to cut taxes. After all, it is your money.

Three years ago, against unanimous Republican opposition, Bill Clinton, forgot that it was your money, and imposed the largest tax hike in American history.

I want to know—what is so wrong about asking Washington to live within its means?

What is so wrong about demanding that Washington not spend extravagantly at the expense of our children? Is it fair to punish working families who are trying to save for the future?

It's time to end the tax trap and give the American family some well-deserved tax relief.

But, I don't want to stop there. Our entire tax system needs an overhaul. The current system is economically destructive, impossibly complex, overly intrusive, unprincipled, dishonest, unfair, and inefficient.

We need to look toward the future and develop a tax system that will make that future a success. And I don't care if it is a flat tax, a sales tax, a round tax, or a square tax—I just want it to be based on the principles of freedom. That is, it must be fair and simple, reduce bureaucracy, encourage savings and investment, be efficient, drive the economy, create opportunity for all, and put more money in your pocket.

Americans don't want, don't need, and don't deserve an intrusive IRS any longer.

America was made great because we, as a Nation, strived hard, sacrificed often and worked together to be the best.

And we will continue to be a great Nation if we embrace a vision that will abandon the failed systems of the past and be led by the opportunities of the future.

With this vision we can enact policies that encourage economic growth, raise wages, promote savings, and return hope and optimism to every American.

Unending dreams and limitless possibilities—that's what the American dream is all about. It's up to us to take it back. It is our destiny.

REPUBLICANS GOAL IS TO END THE TAX TRAP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. WELLER] is recognized for 5 minutes.

Mr. WELLER. Mr. Speaker, I represent probably the most diverse district in the State of Illinois. I represent part of the city of Chicago and the south suburbs, industrial communities like Joliet, and Rockdale and La Salle, Peru, and many bedroom communities and farm towns, too.

As I travel throughout my district, I look for things that are always in common, even though my district is so very diverse, and one thing that I have always noticed is that there is hardly a day that goes by that a young working mother or working father does not come up to tell me how difficult their life is right now and how concerned and fearful they are for their future.

They ask questions about why so many families are struggling to keep their heads above water. Why is it that Americans are working harder and working longer yet they have less to show for it? Why is it that more people have to hold two jobs just to make ends meet?

The answer can be summarized in three words, the tax trap. It is simple to explain. The harder you work, the

more taxes you have to pay. The more taxes you have to pay, the longer and harder you have to work. And you end up working harder and longer and Washington ends up with more, but you end up with less.

Today, almost half of what you earn goes to Washington and the government in one form or another. Half. And the tax trap is particularly difficult on working women who are trying to balance a career and family obligations just to pay all the additional taxes. Every year you send more of your hard-earned income to support a Washington bureaucracy that is growing and that leaves less for you and for your family.

Did you ever wonder why Bill Clinton and his liberal friends are asking you to sacrifice a little more so Washington can spend a little more? Should we not demand that Washington spend less so that you can keep more? After all, it is your money.

Against unanimous Republican opposition, Bill Clinton imposed the largest tax hike in American history, \$264 billion, to be exact. Yet he still expects Americans, after that, to save more and to give more. But we know it just cannot happen that way.

Let me state this clearly. The cost of Bill Clinton's tax policies to the typical Illinois family in higher taxes and lower earnings is \$2,600. And all of us have felt that tax crunch. That is why we have so many people in this country who are so afraid of the future.

And in many ways I share that fear, because when I think of this, I think of parents with children in high school who have the dream of sending their children off to college, but they fear they cannot afford the interest on the student loan.

Then I think of the newly married couple who wants to buy their piece of the American dream, their own home, but they are afraid they cannot afford to because mortgage rates are becoming higher and higher.

I think of American seniors, people like my own mom and dad, who are depending on Medicare but are afraid it will not be there in just a few years when they will really need it.

These are real people with real concerns and real fears, and for them I ask, what is so wrong about asking Washington to live within its means? What is so wrong about demanding that Washington not spend extravagantly at the expense of our Nation's children? Is it fair to punish working families who are trying to save for their future?

The Washington liberals and the bureaucrats will tell you to just work a little harder for Washington. Well, maybe the Washington bureaucrats need to work a little harder. I say it is time that you stop working for Washington and start working for yourselves. It is time to end the tax trap

and give the American family some well-deserved tax relief. It is time to return your power and your money and your influence to where it belongs, with you, the citizen and the taxpayer.

As Americans, we cannot settle for less. As Americans, we cannot accept second best. As Americans, we cannot lower our expectations. This could be the greatest economy in the world, but we will only restore that greatness if we enact policies that encourage economic growth, raise wages, encourage savings, and return hope and optimism to the work force.

Our Washington bureaucracy did not make us great, America was made great because we as a Nation strived hard, sacrificed often, and worked together to be the best. It is our goal, the Republican goal, to end the tax trap. It is our goal to help Americans earn more money and to keep more of the money they earned so they can do more for themselves, their children, their family and their community, and save more for their children and their future. And, frankly, to be able to give a little more at the collection box on Sunday.

Unending dreams and limitless possibilities, that is what the American dream is all about. It is up to all of us to take it back.

THE AMERICAN DREAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. HILLEARY] is recognized for 5 minutes.

Mr. HILLEARY. Mr. Speaker, today we send more money to the tax collector than we spend combined on food, clothing, and shelter. In 1950, taxes just took a fraction of the working family's income, but today almost half of what the working person earns goes to the government in one form or another. Half.

Mr. Speaker, in the America my parents grew up in, if you worked hard and played by the rules, you had enough money left over from your paycheck to put something away for the future and you still had enough for those little extras that help make life special, at least your material life, like maybe taking your family on a vacation, for example.

That was what the American dream was all about. The American dream was also about making sure that children had more opportunities, more choices, and a better life than their parents.

□ 2300

And they should have those things. Then why is it for the first time in our history an entire generation of Americans has lost hope and confidence in their future? Why have we lost the vision of dreaming dreams and of unlimited possibilities?

The answer for too many people lies in Washington, DC. For decades, Mr. Speaker, Washington has told America that everything is OK, while it spent our children's inheritance and undermined their future. For too long, Washington has spent more than it takes in and spent our hard-earned tax dollars unwisely just to pay for a growing Washington bureaucracy. A bureaucracy that includes 160 different job training programs, 240 education programs, 300 economic development programs and 500 urban aid programs, just to mention a very few.

How does Washington afford all of these overlapping programs? By raising our taxes through the roof. Just ask our President. He was not in office 100 days before attempting to take even more of the hard-working people's hard-earned dollars.

By comparison, Republicans in Congress spent our first 100 days trying to desperately give tax relief to those same people but it was vetoed by the President. It should not surprise anyone that more and more American families find it difficult to make ends meet; that more and more Americans are forced to live paycheck to paycheck; and, that too many Americans want to put something away for the future but are not able to do it.

We should not be surprised by Bill Clinton's response. Against unanimous Republican opposition, Mr. Clinton imposed the largest tax hike in American history, \$264 billion, yet he thinks if we take that money to pay for more and more government programs, somehow this will make people's lives better off.

It just cannot happen that way. The cost of Mr. Clinton's policies to the typical American family in higher taxes and lower earnings is \$2,600 and all of us have felt that crunch; specially those who work for a living. Clinton's tax trap costs a lot of money and higher taxes means less savings and a more uncertain future, and that is why we have so many people in this country so afraid of the future and I share that fear.

These are real people with real concerns and real fears, and for them I ask every Washington bureaucrat, every Washington lawyer, every Washington lobbyist and frankly every Washington liberal, what is so extreme about asking Washington to live within its means? What is so extreme about demanding that Washington not spend extravagantly at the expense of our children?

Is it right to punish working families who are trying to save for the future or just trying to get ahead? Of course it is not. The liberals and the bureaucrats will tell you to work just a little harder for them. I say it is time we stopped working for the government tax collector and that next extra overlapping government program and start working for ourselves. It is time to end the tax

trap and to give the American family some well-deserved tax relief. It is way past time to return power, influence, and money where it belongs: back to America's working families.

TROOPS IN BOSNIA SHOULD COME HOME BY CHRISTMAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. METCALF] is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, six months ago, 20,000 top United States combat troops were sent to do guard duty in Bosnia. We also support our troops in every possible way and want them back safely before Christmas as promised.

I have consistently opposed sending our fighting forces to foreign lands unless the objectives are clear and achievable and the timetable and the exit strategy are stated and fully understood by everyone. None of these details were presented to the Congress.

It is easy to send people to trouble spots, but it is seldom easy to get them out safely in a timely manner and an honorable manner.

President Clinton pledged that this was a temporary mission and that they would be pulled out and brought home in one year. The year is barely half gone. The costs are more than anticipated and rising. What are we now hearing from the highest levels of the administration? The word is filtering down that it may take more time, that our troops may have to stay longer in Bosnia to accomplish their objectives. Objectives which have never been clearly stated and, I believe, never even understood by those who gave the orders that sent them there.

We in Congress must be vigilant in the coming weeks and months. We must not allow our service personnel to become permanent occupation troops in Bosnia. If 1 year is not enough, will 2 or 3 or even 5 years suffice? Not likely. Our Nation should keep its word and our troops should be brought home this winter as promised.

WHO REALLY SPEAKS FOR THE CHILDREN?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, when talking about children, there are significant differences between Democrats and Republicans. Republicans do not believe it takes Washington bureaucrats and spending to raise a child.

But after 30 years of a failed welfare system, a rapidly failing public education system, and a deteriorating justice system, Republicans have a different answer. What it takes to raise a

child successfully today is quite simple: two responsible parents. What children need is not more Government spending but a mother and a father who care about them.

When talking about children, Republicans begin with three principles:

First, that the moral health of a nation is no less important than its economic or military strength. The fact is, you cannot have a healthy moral environment to raise children in America when 12-year-olds are having babies, 15-year-olds are killing each other, 17-year-olds are dying of AIDS, and 18-year-olds are graduating with diplomas they cannot read. If we are to restore the moral health of America, this behavior has got to stop.

Second, it is the results, not the rhetoric, that counts. Anyone can sound compassionate, but the truly compassionate are those that go out and find ways to make the lives of our children more happy and healthy.

And third, we must be willing to face ourselves in the mirror and be honest with the American people about the failure of the Washington welfare system to help those who need it most. It is our responsibility as elected officials to acknowledge that Washington got it wrong, so that next time we can get it right.

The welfare trap in this country literally enslaves generations of Americans on Government assistance by depriving hope, diminishing opportunity, and destroying the lives of our precious children.

Just look at our inner cities. You will meet a generation fed on food stamps but starved of nurturing, hope, and basic education.

Yet every year Washington spends more money on more welfare programs, expanding the welfare trap from one child to another, from one generation to another. What the Democrats do not understand is that raising more taxes to expand a welfare system that does not work now will only make matters worse later.

And welfare is not the only problem facing children. Among industrialized nations at the start of this decade, we had the most murders, the worst schools, the most abortions, the highest infant mortality, the most illegitimacy, the most one-parent families, the most children in jail, and the most children on Government aid.

A Washington-based social policy does not help children. It destroys them. It does not keep families together. It tears them apart. Instead of turning urban areas of America into shining cities on a hill, it has made them into war zones.

We have spent \$7 trillion on welfare-related programs, and yet we have more poverty, more crime, more drug addiction, more broken families, and more immoral behavior. The Washington welfare system is broken and needs to be shut down. We need to start over.

But there are alternatives that are less expensive and work better than the current system.

Why does Habitat for Humanity work so much better than HUD? Because Habitat for Humanity first requires recipients to learn the responsibility of home ownership, then requires them to build a home for someone else, and only then do they build their own home. What does HUD require? Absolutely nothing. Do you see the difference? The private charity requires something of the individual.

The current Washington-based welfare system demands no responsibility, no work ethic, no learning, no commitment, and in the end, no pride. What we need are local solutions that involve local citizens working with local children.

Spending more on the current Washington welfare system will not help children. We have to rebuild parents, families, and communities, but you cannot do it from Washington. It has to be done at home, in school, and at church.

But it is also time we tackle the problem of American culture.

Think of what your own children will be watching on television tonight. Think of what they will see at the movies this weekend. It is wrong, it's harmful, and we cannot tolerate it any longer. It's time to challenge the entertainment industry to end its decadent slide. What we tolerate today would have been unacceptable 25 years ago.

And so the question for America is whether we move into the future, or remain in the past. Do we demand more from parents, or do we leave it to Washington to solve all our ills? Do we return control of education to the local community, or do we run education from a Federal department in Washington? Do we change the welfare system and restore hope and optimism to the next generation, or do we continue to accept the welfare world of dependency, illegitimacy and despair?

And most importantly, do we make a real commitment to improve the lives of children across the country, or do we use children as political pawns in the upcoming election?

THE RETRAINING AND OUT-PLACEMENT OPPORTUNITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mrs. MORELLA] is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, today I introduced the Retraining and Out-placement Opportunity Act, legislation to help retrain Federal employees who are about to be separated by detailing them to the private sector or other agencies.

In light of the streamlining goals of the administration and the additional budget cuts proposed by the Congress,

Federal workers are facing difficult times and are bracing themselves for more to come. Retirement and attrition will not add up to the 272,000 jobs mandated to be cut by the Workforce Restructuring Act of 1994. Agencies have been downsizing, and Federal workers know more reductions in force [RIF's] are imminent. Federal workers and Federal agencies are anxious about their future and the ramifications of further work force reductions.

I am a firm believer that loyalty must be repaid with loyalty. The Federal work force has provided outstanding services to this Nation, and now the Federal work force needs Congress' help. We must take this responsibility seriously and devise strategies that will help our Federal employees through this difficult transition.

Our strategies must center around two fundamental concepts: creating incentives for retirement and retraining displaced workers for jobs in the private sector.

Reform must allow for greater partnerships with the private sector, including extending the administration's idea of nonreimbursable details to the private sector. The legislation I introduced today would focus on retraining employees for the private sector through nonreimbursable details.

This legislation would permit an agency to allow an individual who has received a specific notice of separation or a certificate of expected separation to be placed on a nonreimbursable detail in another agency or private company for a period of up to 90 days while the Government pays his or her salary. After the 90-day period, the private sector would begin paying the salary. Unlike other details, the goal of this initiative is to place employees in these agencies and companies.

This bill would provide an employee and his or her agency to determine whether a potential match exists. The employee would have the opportunity to demonstrate his or her skills and ability, and the agency or company could evaluate the employee's likelihood of success.

This retraining opportunity would first be established as a demonstration project at the Department of Energy's Germantown, MD, facility. The DOE has been particularly hard hit by downsizing over the last 3 years. Recent cuts in the Department of Defense authorization threaten to impose substantial cuts of highly trained personnel and create a chaotic situation resulting from a massive RIF. These cuts would also divert time from critical cleanup programs, and I am actively fighting against these cuts. Regardless of whether these cuts occur, DOE is a good place to establish this demonstration project.

Within the current law, the administrators of this program would outline the plan, define the population, estab-

lish the selection criteria of candidates, and determine the agencies and companies that would be involved in the program.

If the detail occurs in the private sector, the employee would be considered an employee of the Federal Government and would retain all rights and privileges of a Federal employee until separated officially. The date of separation could be extended in the event that the employee would be separated before the detail ended. During the detail, the employee's compensation would be based on the employee's rate of pay before the detail. Private companies involved would set up an escrow account to store funds that would have been used for compensation had the employee been hired initially. If the employee is retained by the private company and remains for 2 years, the company would be required to transfer the money spent during the detail to the Treasury.

If the individual's work is satisfactory as defined under the agreement made by all parties, the individual would be given an offer, or, in the event that an offer could not be extended, the money would be reimbursed to the Government. If the individual is not satisfactory and not hired, the agency or company would not be forced to reimburse the Government. If the individual is extended an offer, he or she would become an employee of that agency or company on the day after the detail ends, at which time the former agency's financial obligation would end. Multiple details would be allowed, but the combined days for all details could not exceed 90 days.

This change could help Federal agencies be more proactive in the retraining of their employees for private sector jobs. This legislation provides an important window of opportunity for Federal employees who are facing the uncertainty and anxiety of losing their jobs.

□ 2315

THE NEED TO REFORM FEDERAL TRAVEL PRACTICES AND SAVE \$300 MILLION A YEAR

The SPEAKER pro tempore (Mr. COLLINS of Georgia). Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, there is a fundamental need to reform the Federal travel practices and thus save at least \$300 million a year. Today on behalf of the gentleman from Pennsylvania [Mr. Fox] and myself, I am introducing H.R. 3637, to improve travel management in the Federal Government.

The Federal Government is far behind the best practices of private sector firms. At long last, we need to

adopt practices common in the private sector in order to save the taxpayers money. According to the General Accounting Office, Federal agencies spent \$7.6 billion in fiscal year 1994 on travel, including transportation, lodging, rental cars, other travel related expenses related to two types of travel: Temporary duty and permanent relocation.

Administrative costs to implement the current travel regulations and practices of the Federal Government are also significant. In the private sector, the costs to complete a travel voucher are about \$15. In the public sector, the Federal sector, the cost to process a single travel voucher can be as high as \$123. Since there are 10 million vouchers processed each year, the Federal Government must reengineer its travel management practices in order to achieve significant savings.

The Federal Government needs to reform its travel processes if we are to succeed in saving \$300 million every year. The General Services Administration needs to update the Federal travel regulations, and H.R. 3637 will be ensuring that change and reform can be done in a way that increases savings and decreases the amount spent by Federal agencies on travel. H.R. 3637 has been endorsed by the joint financial management improvement project, which includes membership from the General Accounting Office, part of the legislative branch, and the Office of Management and Budget, the General Services Administration and the Office of Personnel Management, as well as the Department of the Treasury. These are the experts in travel management in Federal agencies.

In addition, the strong support of Senator COHEN of Maine has been instrumental in providing Federal agencies with the spur that was needed to develop these proposals which are designed to reduce costs and to provide agency flexibility. I commend Senator COHEN's efforts, and we will be working with him to enact this important measure.

As we begin the process of balancing the Federal budget, Congress must look to Federal agency managers and its employees to find innovative and creative ways to save travel dollars. H.R. 3637 represents an important part of that effort. According to the joint financial management improvement project, \$300 million per year may be saved from the appropriated funds of the taxpayers. By reducing the administrative burden, we can achieve substantial savings by passing H.R. 3637, the Travel Reform and Savings Act of 1996.

Mr. Speaker, I ask consent that a summary of H.R. 3637 be printed at the end of my remarks.

SUMMARY OF THE TRAVEL REFORM AND SAVINGS ACT OF 1996

Section 1. Short title—Travel Reform and Savings Act of 1996.

Section 2. Table of contents.

Title I. Relocation Benefits.

Section 101. Modification of allowance for seeking permanent residence quarters.

This section would authorize the payment of pre-determined travel expenses for househunting trips for relocating Federal employees. In the private sector, predetermined cost reimbursement is already used for househunting trips because of simplicity to administer, administrative cost savings, and the flexibility it gives Federal employees to manage their move.

According to a Joint Financial Management Improvement Project (JFMIP) report entitled Improving Travel Management Governmentwide, this change would save \$10.8 million per year.

Section 102. Modification of temporary quarters subsistence expenses allowance.

This section would authorize the payment of pre-determined travel costs associated with temporary quarters. While seeking permanent quarters, a relocating employee must often occupy temporary quarters. Federal agencies currently authorize up to 120 days of expenses. This change would limit this time to 60 days, and provide an amount pre-determined by the agency.

According to the JFMIP report, this change would save \$59.2 million per year.

Section 103. Modification of residence transaction expense allowance.

This authorizes agencies to use cost-reimbursable pricing for relocation service contracts. Currently, the Federal Travel Regulation limits relocation home sale payments made by agencies to direct reimbursement of closing costs. This section would authorize the payment of actual costs, overhead, and a performance-based fee designed to speed up the home sale.

This limits the liability of the Federal Government by shifting to the contractor the risk that the home will take a long time to sell, and that the contractor's expenses will exceed the fixed payment. Agencies that exercise this authority will need to manage the risk that the home will take a long time to sell.

According to the JFMIP report, this change would save \$33.1 million per year.

Section 104. Authority to pay for property management services.

When an employee transfers for a limited time period, it may be cost-effective for the employee to rent rather than sell his home in the old duty station. This is particularly true in instances when the employee will return to the old duty station. Since the costs borne by agencies of selling a home are larger than the cost of reimbursing property management fees, there are savings which could be achieved by allowing Federal employees this option.

According to the JFMIP report, this change would save \$1.5 million per year.

Section 105. Authority to provide employment assistance services to the spouse of a transferring employee.

When a dual career family moves, the accompanying spouse must find employment without the assistance of the Federal Government. This results in the loss of a second income, and often Federal transferees are unable to qualify for home mortgages without the second income. This provision gives agencies discretionary authority to provide some level of job placement to relocating spouses, when deemed in the best interests of the Federal Government.

According to the JFMIP report, this change would cost \$5.9 million per year.

Section 106. Authority to transport a privately owned motor vehicle within the continental United States.

Current statute prohibits the shipment of a vehicle to a new duty station within the continental United States. Agencies reimburse the transferee for mileage, plus a per diem, which generally exceed the costs of shipping the vehicle and using a more expeditious mode of transportation to relocate the employee. Requiring that vehicles be driven to the new duty station also requires extended administrative leave, thus increasing costs and reducing efficiency.

According to the JFMIP report, this change would save \$7.9 million per year.

Section 107. Authority to pay limited relocation allowances to an employee who is performing an extended assignment.

This section authorizes agencies to pay for permanent change of station expenses in lieu of the daily per diem allowance for extended assignments. Since employee costs are lower over a longer-period of time, many employees receive an allowance that exceeds what is needed to cover expenses. This provides the option to reduce costs by providing permanent change of station expenses, which can include en route travel and transportation, shipment of vehicles, househunting trips (if necessary) and lease breaking expenses. Employees would not be eligible for expenses related to disposing or maintaining residences at the official duty station.

According to the JFMIP report, this change would save \$14.5 million per year.

Section 108. Authority to pay a home marketing incentive.

Most Federal agencies currently offer some of their transferees the assistance of a relocation contractor to market and sell their home. The fees charged by the contractor are typically based on a percentage of the home's value, and are quite large. A pilot in the Social Security Administration demonstrated that allowing employees to sell their own homes and be paid a fixed fee can save Federal agencies large figures.

According to the JFMIP report, this change would save \$142.2 million per year.

Section 109. Conforming amendments.

Title II. Miscellaneous Provisions

Section 201. Repeal of the long-distance telephone call certification requirement.

Current Federal statute requires agencies to certify that individual long distance calls are in the interest of the Federal Government. This law dates from 1939, when a long-distance telephone call was expensive and viewed as a luxury. In many instances, the cost of certifying a call will often exceed the cost of the call itself.

According to the JFMIP report, this change would save \$19.3 million per year.

Section 202. Authority to require use of the travel charge card.

Currently, Federal agencies receive a payment based on charges made by its employees under the government-wide travel charge card program administered by GSA. Many payments, including cash advances, hotel charges and airline tickets for travel expenses are not charged to the card. This limits the potential rebate.

Section 203. Prepayment audits for transportation expenses.

This section authorizes audits prior to payment to verify transportation expenses. All other invoices submitted to the Federal Government are generally audited by the procuring agency for correctness prior to payment. Currently, GSA uses audit contractors to perform prepayment audits on some transportation vouchers. These contractors have identified overpayments that were four times the amount of the payments to contractors, proving that this is a cost-effective

tool. In contrast, the GSA Office of Transportation Audits spends \$11 million to recover \$12 million in overpayments using postpayment audits.

According to the GSA, this change would save \$50 million per year.

Section 204. Reimbursement for taxes on money received for travel expenses.

The 1992 Energy Act inadvertently established a tax liability for certain Federal employees. The Energy Act limited the income tax deduction for business related travel expenses incurred while away from home to a maximum of one year (the prior maximum was one year). Most temporary duty assignments are less than one year. Because of this tax change, most Federal agencies have limited temporary assignment to one year.

Most Federal agencies were unaware of this requirement because the IRS did not notify them until December of 1993 and did not withhold tax payments from the employee's salary. Thus, many of the impacted Federal employees were liable for a lump-sum payment plus penalty and interest. In some instances, the tax liability exceeds \$1,000 per employee.

According to GSA, this change would cost \$4 million on a one-time basis.

Section 205. Transfer of authority to issue regulations.

This section gives statutory authority to the Administrator of General Services to issue regulations, which are currently the subject of a delegation of authority from the President pursuant to several Executive Orders.

JUST DO IT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wyoming [Mrs. CUBIN] is recognized for 5 minutes.

Mrs. CUBIN. Mr. Speaker, you all have seen the Nike ad with the words "Just do it?" That should be the slogan for the Democrats in Congress. They talk about a balanced budget. I say: Just do it. They talk about welfare reform. I say: Just do it. They talk about tax relief. I say: Just do it. They talk about an end to big government. I say: Just do it.

Talk is cheap, and nowhere is talk cheaper than in Washington. We've had enough talk, enough rhetoric, enough promises. It's time to stop talking about change and start making it happen. What we need is action, and we need it now. We need to stop all this wasteful spending—now. We need to balance the budget—now. We need to end welfare as we know it—now. We need tax relief for the forgotten American worker—now.

Did you ever wonder why Washington waits to solve a problem until it becomes a crisis? The American people should never accept second-best from their government or their elected leaders. They deserve better.

And why not? America's best days are still ahead. In the America of the 21st century, no one needs to be left behind. If we stop all this tax and spend behavior, we will end the Clinton crunch that as contributed to our national anxiety. And if we stop all this

spending, we will end the tax trap caused by misguided Washington bureaucrats who want to spend more of your money, leaving you with less.

Let me be as clear as I can. Americans have a right to earn more, keep more, and do more. That's how we restore the American dream. Working together in a spirit of respect, with the right economic policy and incentives, our nation's potential is unlimited. We are Americans. There is nothing we cannot achieve. The best is yet to come. I say, just do it.

CHURCH BURNINGS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Louisiana [Mr. FIELDS] is recognized for the balance of the time until midnight as the designee of the minority leader.

Mr. FIELDS of Louisiana. Mr. Speaker, I rise tonight to talk about the issue of church burning. Before I do, Mr. Speaker, I want to commend the gentlewoman from North Carolina who had a resolution tonight on the floor of this House and it passed. And I want to thank the gentlewoman for her leadership in that area. I also want to thank the gentleman from Oklahoma as well.

Mr. Speaker, I have been asked by the chairman of the Congressional Black Caucus to chair an issue that we have been talking about tonight for some time. That is the issue of church burning, burnings across the country.

I take a moment of personal privilege to talk about these church burnings here again tonight because in my own State five churches were burned.

Second, Mr. Speaker, I feel like Fannie Lou Hamer tonight. I feel sick and tired of being sick and tired. I am tired of individuals who have no respect for human life and no respect to buildings, burning churches at night. I also feel sick and tired of being sick and tired because while individuals burn churches at night, we have people who wake up in the morning and put on black robes and burn congressional districts in the daytime. And I think that is simply unacceptable and unconscionable.

I am happy that the gentlewoman from Texas will be a part of this special order tonight and the gentleman from Illinois will be a part of this special order tonight, the gentlewoman from California as well as the gentleman from South Carolina.

Before we talk about church burnings, Mr. Speaker, I want to talk a little bit about the districts that were burned today in the Supreme Court. To know that as a result of this ruling, a State like the State of Texas, a State with a population of almost 20 percent African-Americans, will not have the opportunity, not the guarantee but will not have the mere opportunity to send an African-American to this Congress

is absolutely unacceptable and unconscionable. These burnings must stop, not only the burning of churches but the burning of congressional districts and legislative districts across this country. In order for us to get along in this country, in order for us to move forward in this country, we will have to learn how to be more inclusive.

I want to thank the gentlewoman from Texas, who has represented her constituents so well here in this body. I want to say to her in no uncertain terms that she has done a great job. Continue to press on and know that you must keep the faith. We are very pleased with the work that you do.

Now, on the issue of church burnings, Mr. Speaker, the CBC, the Congressional Black Caucus, we will first have a hearing right here in the Nation's capital. We will have the Justice Department. We will have ATF and all Federal agencies involved. That hearings will be headed and led by Congressman CONYERS. And we will talk, we will also have black churches, members, ministers of black churches to talk about these church burnings. Then we will leave this capital and we will travel across this country in each congressional district or each State where there has been church burnings, because we will not accept individuals putting torches to churches.

We are going to insist that every Federal agency in this country use every ounce of its power, every ounce of its resources, to make sure that we find the perpetrators of these crimes and bring them to justice and then move very swiftly to prosecute them.

I have, Mr. Speaker, a map of the entire United States of America which gives you some sense of church burnings across the country. Before I yield to my colleagues who have joined me here tonight, I want you to see, I want Members of the House to see how this proliferation of church burnings is taking place all across this country.

Utah, the State of Utah, one church burning; Colorado, one church burning; State of Arizona, one church was burned. Even the State of New Mexico had a church burning.

Texas, the distinguished gentlewoman from the State of Texas, not only have they burned the districts, the congressional districts in the State of Texas, but two churches, two black churches were burned in the State of Texas as well, which is absolutely, positively unacceptable and we must insist that every Federal agency that has anything to do with investigations do everything possible to find the perpetrators of these crimes.

The State of Oklahoma, one church; even the State of Illinois, the gentleman from Illinois who is here tonight, a church was burned in his States. The State of Tennessee, which leads the whole Nation in terms of church burnings, six churches were

burned in the State of Tennessee; five in the State of Louisiana; three in the State of Mississippi; five in the State of Alabama; one in the State of Georgia; five in the State of South Carolina, the gentleman who is here tonight, five churches were burned, many of them were in his congressional district; three churches in North Carolina; one in Virginia; two in Maryland; one in the District of Columbia; one in New York; and one in Pennsylvania.

And then to know that in Oklahoma, which is the most recent church burning, when we were debating tonight, we were debating on this floor about church burnings, to wake up the next morning and learn that a church was burned in the State of Oklahoma, it absolutely irks Members of this Congress, particularly Members of the Congressional Black Caucus.

I want to thank the Members who decided to come here tonight at the wee hours of the night because this is an important issue. I want the Members of this congress to know that the Congressional Black Caucus will not sit idly by and allow individuals to burn churches and get away with it. We are going to insist that every Federal agency that we have under the control of this Federal Government do everything that is humanly possible to find the perpetrators of these crimes, bring them to justice and then prosecute them to the fullest extent of the law.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. JACKSON], who has been participating in these special orders for some time, and also to the gentleman from South Carolina and the gentlewoman from Texas and the gentlewoman from California as well.

□ 2330

I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. I want to take this opportunity to thank my distinguished friend from Louisiana, the distinguished gentleman, CLEO FIELDS; and you, Mr. Speaker, for allowing us the privilege and this opportunity to address the House during this special order.

Anyone who might have misunderstood what happened in the 1994 elections should have clearly been set straight on the 23rd of January 1995. That day, in the ornate hearing room in the House Committee on Rules, the victorious Republicans, our colleagues on the other side of the aisle, removed a portrait of former Representative Claude Pepper of Florida, a renowned white, liberal Democrat, and certainly that was understandable because the Republicans certainly have the right to change pictures in various committee rooms to reflect their new majority. But what tickled me about this was that the new Republican committee chairman, Mr. SOLOMON of New York, distinguished colleague of ours from

New York, had ordered the Pepper portrait to be replaced by another Democrat, the late Howard Smith of Virginia, a last-ditch segregationist in many of his years as Committee on Rules chairman, one of the most powerful opponents of civil rights legislation of the sixties.

And so I am here today to really join my colleague from Louisiana, my colleague from California, my colleague from Texas, and my colleague from South Carolina really to say that we are sick and tired as well of being sick and tired, sick and tired of having our churches burned at night, sick and tired of having our districts burned during the daytime, and what is left? Without political representation here in this institution to protect our rights in the society beyond Washington, with this whole motion and movement towards States rights, we are looking at the same kind of climate that we witnessed during the Tilden-Hayes Compromise of 1877.

I spoke not long ago at a high school to some students who at the end of my presentation stood up and asked the question, they said, "Representative JACKSON, what's the difference between a Democrat and a Republican?"

And I tried to say Democrats fight for jobs, they fight for opportunity, they make room for more people, and Republicans tend to be pro-business. But one of the young people said, "But wait a minute. I've heard Democrats on the floor argue on both sides of that issue."

And so in 1877 what we really had was two parties with one assumption. Demopublicans, they called them, and Republicrats; they really conspired. We call it States rights, we call it more access to resources in our communities by the States, and they began shifting more resources to the States, and by 1896 they had stacked the Supreme Court kind of, if you will, a Clarence Thomas court, a kind of Scalia court, and then we got Plessy versus Ferguson. We had 22 African-Americans in the U.S. House of Representatives between 1863 and 1896, and after they stacked the Supreme Court, black robes, not white sheets who burn churches, but black robes who burn districts by day; by 1901 there were zero blacks in this institution, and I believe it was our late colleague from Illinois, Mr. DuPriest, who stood in this well and gave a speech: We will rise again like the phoenix, we will be back. And then it is not until the 1954 Brown versus the Board of Education decision that allowed the principle of equal protection under the law to be extended to the States in the form of a 1964 Civil Rights Act, a 1965 Voting Rights Act, and after three different reapportionments, the 1970 census, the 1980 census, the 1990 census. African-Americans in this body are now finally achieving comparable numbers to those numbers

that they had at the turn of the century. And now we are looking at Supreme Court decisions once again that are consistent with Plessy versus Ferguson, and it is really unfortunate in 1996 that Mr. Thomas is leading the voting rights cabal.

I also rise this evening to stand with my colleagues and to join the gentlewoman from North Carolina [Mrs. CLAYTON] and the gentleman from the other side of the aisle, Mr. WATTS, in support of their resolution to condemn not only these church burnings, but also to demand that our Federal Government put the kind of resources behind this investigation that is necessary. Mr. Deval Patrick, the assistant attorney general for civil rights, along with the Attorney General of the United States, Miss Janet Reno, have indicated to us on more than one occasion that this is the largest civil rights investigation of its kind, and we are just so grateful to have Representatives in this body who can fight and encourage the Justice Department to put those kind of resources behind these kinds of acts of violence, and it is only because we are here that we can really fight for this right.

And so I would hope, and I have indicated this on another occasion as I prepared to yield time to the gentlewoman from Texas, that in 1996 we have an opportunity in this House, knowing that race and churches are being burned and opportunities are being burned, we have an opportunity in this House not to be demagogic in 1996. There is no need for us to vote on affirmative action in this House in this climate; it only means that more churches will burn. We should put it in the 105th Congress. There are other racially sensitive issues in this political climate that should not be considered in this political climate, and I would urge those in the majority to consider the climate and the times that we are living in and move these votes into the next Congress and give us the opportunity and the Nation the opportunity to have an election that will be free of race and race insensitivity.

And with that, I yield to the distinguished gentlewoman from Texas. She had a very tough and a very long day. She is one of the most outspoken Members in the House of Representatives. We can count on her to fight for women's rights, we can count on her to fight for the rights of locked-out and disenfranchised people in our country, and it is just unfortunate that a woman of her calibre and her stature who has represented not only African-Americans—people see us, they see African-American, but my district is 65 percent African-American, 35 percent white and Latinos and others live in my district. I am not just a black Representative or a black Congressman. I represent probably one of the most diverse districts in this country. I do not

know an African-American in here who represents 99 percent African-Americans. Our districts are diverse, and so she represents her district and has served this institution with great honor, and today the Supreme Court of the United States rules against the calibre and the quality of leadership that she represents.

With that, I now yield time to the distinguished lady from Texas [Ms. JACKSON-LEE].

Mr. FIELDS. Mr. Speaker, I yield to the lady.

I think the gentleman is absolutely right. The gentlewoman represents a very diverse district, and, as I stated earlier, we appreciate her leadership, and I think citizens not only in her congressional district but citizens all across her State and citizens all across this country appreciate her leadership, and this time I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE. The esteemed gentleman from Louisiana is appreciated, along with my respect for my colleagues who are here on the floor of the House, the gentleman from South Carolina in his leadership over the years in fighting for the rights of South Carolinians, the gentlewoman and her leadership from California, as I have spoken to her frequently on her concern about education, and the gentleman from Illinois who has reached out to the younger voter and demanded of that younger voter that they be part of this process called America.

The gentleman from Louisiana has had a longstanding friendship with young people, but more importantly I have admired his refusal to, even though tired and maybe sick and tired, never to be broken, and I appreciate your leadership on this special order. You are right to thank the gentlewoman from North Carolina and the gentleman from Oklahoma for their wisdom and vision earlier this evening to begin to set the tone for the American public on this whole issue of the burning of houses of worship.

As I heard for the first time this morning the rendering of the Supreme Court decision, it did not fall to my lot to immediately begin to think about what SHEILA JACKSON-LEE or any congressperson would do in this circumstance. But I began to think of those individuals in my district who yet have not reached or have not achieved the opportunity of even traveling outside of the 18th congressional district, citizens in my district who have lived their entire life within the context of the historic 18th Congressional District, individuals who are proud, who believe in America, who have sent young men and women off to war but yet live in housing of substandard quality, individuals who are still struggling to get the kind of education to see opportunities for their children, individuals who, if they

missed one day of school lunch or school breakfast, their children, of occurs, would suffer the consequences and the pain of hunger; individuals who give their small donations to their beloved churches and pastors, they give their very best. And to be able to have to go home this weekend to speak to these individuals, to be able to say to them that today on June 13, 1996, they were declared less than an American by the U.S. Supreme Court, individuals who heretofore had paid poll tax or had their ancestors or grandparents or parents tell them how difficult it was first to achieve the right to vote in the State of Texas and now having spent just a few short years.

That is what America needs to understand, that these districts have only come into existence a mere three decades or less. Individuals who are in my district may be voting now consistently only for less than 30 years because of the obstacles that have been placed before them to vote even in the smallest election in the State of Texas, and then to have to go home to these individuals and to clear away the confusion for, they will be asking: Are we no longer part of America? Has the district been declared un-American? The chilling effect will be far reaching.

Young people who are just coming out of high school who I had the opportunity to speak before in the recent graduations in my district, bright-eyed and bushy-tailed, if you will, ready for the next day, looking for career opportunities, believing in America; now they must try to understand, are we truly second-class citizens in this country? The criteria used by the Supreme Court today was truly a burning of the Constitution. I would simply ask:

When does a configuration, a drawing, become a higher ideal than the opportunity for people to choose an individual of their choice to represent them in the U.S. Congress? When is it a sin and when is it illegal to take into consideration the diverse concept of race as it is with community of interests so that majority minority districts have now been categorized and labeled as a derogatory concept in the American political system? What does that say to an emerging population who have yet not taken their rightful place in the political arena; a Congress of 435 individuals with a mere 30-plus African-American Representatives, a number that has grown only since the 1990 census and the 1992 elections?

And so it is important, Mr. FIELDS, that we convene this special order. It is not for any selfish motives of those of us who come to the floor of the House, for I am grateful for the very small opportunities that I have had, but it is for the future of this Nation to recognize that the systematic destruction and undermining of the spirit of those who would cling to democracy is a destruction of this Nation's future. These

opinions have continued to chip away at those who have tried to speak peace and equality and inclusion.

And as I bring my remarks to a close, let me say that I am gratified for the words that were said tonight with respect to this blight on America, this blaze on the Constitution, the burning of churches or houses of worship.

My colleagues on the other side of the aisle have indicated that they will rise up with millions of dollars for the ATF, the Alcohol, Tobacco, and Firearms agency.

In the Committee on the Judiciary, under the leadership of ranking member CONYERS and Chairman HYDE, we have brought out a piece of legislation that I have cosponsored to make the prosecution of these individuals more swift and effective.

But the real key has to be that we must catch these individuals and show America that we are serious, and then at the same time as we catch these individuals we must, in fact, begin to understand that we should not hide away from the racial anger and tones that have been set by the climate of political rhetoric in this Nation, and I hope that we all will commit to drawing down our words, stopping the polarization, and in order to do that let me say to you in closing that I am gratified that both Congresswoman CLAYTON and Congressman WATTS accepted my amendment that calls for, this week, calls for this Nation this week to adopt a week of prayer from June 16 to June 23, gathering in our respective houses of worship to speak not only against burning, but against the anger and the rancorous talk and the castigating of those of us who have come first as slaves in this Nation.

We must break the shackles of racism in this Nation. I call upon my brothers and sisters of Hispanics and Anglos and African-Americans and Asians and men and women in all parts of this community, Jewish people and gentiles, to respect the need to embrace each other.

□ 2345

I hope as we proceed this evening that our Supreme Court will be able to reconsider itself, and recognizing it as the highest body in the land, I respect its privilege, but I would simply hope that they would call upon the spirit of the Honorable Justice Thurgood Marshall who came to that court as a victor and a soldier and a general in the war of civil rights, and he carried the message forward that in fact we all are created equal. If we take that claim, we will stop the burning of the districts and we will stop the burning of the houses of worship, and we will rise as Americans together, and we will not be singing that song, "We Shall Overcome," but we will sing the song, "We Have Overcome."

I hope this special order will be in tribute to the gentleman from Louisi-

ana [Mr. FIELDS] that Americans will listen and rise up to support freedom. I yield back to the gentleman from Louisiana.

Mr. FIELDS of Louisiana. I thank the gentlewoman for yielding.

Now I would like to recognize the gentlewoman from California [Ms. MILLENDER-MCDONALD]. Before I do, I would like to say that in our discussions on this task force on church burnings across the country, particularly in the southern part of our country, the gentlewoman from California, who by the way, is new to this body, made it very clear that we should have hearings, we should talk to ministers, we should talk to community people, people in the community about their feelings, and also make sure that there is a relationship merged between the investigators, the Federal agencies, and these ministers and these parishioners of these churches. I just want to thank the gentlewoman for her leadership because as a result, there was a meeting at 8 a.m. this morning in the office of the gentleman from Michigan [Mr. CONYERS], and as a result of that meeting, the ranking member of the Committee on the Judiciary decided to start his hearings right here in Washington, DC. Because of her leadership, we will be traveling all across the country as a caucus, Members of the Congressional Black Caucus, in each of these several States holding hearings on church burnings.

At this time I would like to yield to the distinguished gentlewoman.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the gentleman from Louisiana. It is really fitting and absolutely great for me to see two young African-American men who are role models who are here tonight at this hour to talk about the rash of church burnings in this Nation. Then to hear the gentlewoman from Texas [Ms. JACKSON-LEE], who speaks so eloquently on this floor, who has to now go back and try to see what she can do with the recent decisions that have been brought down on her by the Supreme Court.

I would like to thank also the Speaker for allowing us tonight to come and speak about the rash of church burnings. Mr. Speaker, this issue is very important to me, as it should be to all Americans. However, I have a special concern about the rash of church burnings that is taking place across the South and other areas as I have lived through a similar period.

During the 1950's I was the child of an active Baptist minister in Alabama.

Given my father's status and the respect he had earned, especially among the African-American community, we lived in fear every night of the bombings and the arson that was rampant at the time. The young women who were killed in the church bombings in 1962 were neighbors and friends of our family.

Mr. Speaker, I can personally attest to the fact that these burnings, both in the 1950's as well as the ones with which we are currently faced, are acts of terrorism.

Furthermore, the U.S. Government, which spends billions of dollars each year investigating and attempting to abate terrorism here and abroad, should do all it can to stop this terrorism that is currently invading the souls of our community.

As we are all aware, Mr. Speaker, terrorism such as these church burnings is the insidious act of cowards; people who are too afraid to air their hatreds or fears in public lest they meet others who may be able to talk some sense into them during a debate.

Yet in order to really understand these random acts of violence and hatred, we should perhaps look at the culture by which they are being perpetuated.

The burning of African-American churches is but one manifestation of the fear, the hatred, and the divisiveness that is becoming more and more prevalent in our society.

Mr. Speaker, we see this divisiveness in ballot initiatives, we hear it in stump speeches by some politicians, and we witness it even in some of the legislation that is coming before us.

Moore and more, people are blaming minorities, immigrants, and women for their woes or their fears.

In my home State of California, we will have a ballot initiative in November on Whether or not to do away with all affirmative actions programs. This initiative follows closely on the heels of the Governor of my fair State asking the regents of the University of California to abolish all affirmative action administration programs.

While these actions, Mr. Speaker, as well as legislation that has been introduced here and in other bodies to eliminate affirmative action programs are not terrorism on the same level as the church burnings, they are born from the same fears and divisiveness.

What we, as national leaders, Mr. Speaker, should do is try to pursue a rational debate to try to solve the problems that face all Americans, regardless of their color, their age, their gender, or their religious affiliation.

We, the political leaders of our Nation, should not try to use the fears of the population to promote ourselves or our agendas. In doing this, we are only creating an environment in which hatred and anxieties are driven to extreme measures, such as those we are witnessing in the South and other places.

So, Mr. Speaker, I urge all Americans to join us in speaking out against the current rash of church burnings and to alert the perpetrators that this is not how civilized people conduct themselves.

I also urge Americans, and especially the politicians, to pause before they

speak words of divisiveness. Rather than playing on and driving the fears of some citizens, I would hope that we could begin to work together for the resolves that will help all Americans build a better nation and indeed a better world.

Mr. FIELDS of Louisiana. I thank the gentlewoman. There are individuals in this country who are trying to turn back the hands of time, trying to make 1996 look like 1896, but we are not going back. We have come too far now. We have come to a threshold of freedom, and we have reached the periphery of liberation and we have seen the ambition of liberty. We are not going back.

There are those who try to burn opportunities by burning affirmative action. Some try to burn political inclusion by burning congressional districts, and some even try to burn our spirits by burning churches. But we are not going back.

At this time I would like to yield to the gentleman who has probably the most experience in the civil rights movement of all of us here tonight, the senior Congressman from the great State of South Carolina, who I have a great deal of respect for.

I want to say to the gentleman, I have never been confronted with a door that said colored or white only. I have never had to sit in the back of a bus. I am benefiting from fruits of a tree that I did not plant, I did not nourish, and I did not even shape. I am here today because of people like the gentleman from South Carolina who stood in those many lines and who marched the many highways. And I just want to say thanks to the gentleman, and I know I speak for the gentleman from Illinois as well.

□ 2355

We are here today because of the sweat and tears of your work and we want to thank you. I yield to the gentleman from South Carolina.

Mr. CLYBURN. I thank the gentleman very much, my good friend Mr. FIELDS from Louisiana. Thank you, first of all, for your kind words. I am pleased to hear them and I hope that I continue to earn them.

Second, let me thank the gentleman for organizing this special order. I think that your work chairing the Task Force on Church Burnings for the Congressional Black Caucus is work that is to be commended and I thank you so much for bringing us all here this evening. I am pleased to join with my colleagues in this special order.

Let me begin my comments by first of all congratulating the people of South Carolina, Williamsburg County, Greeleyville.

As you may recall, this past Tuesday evening, I traveled to South Carolina where on Wednesday morning I went with President Clinton to visit the

Greeleyville community, the community that suffered a church burning on June 20 of last year. On Wednesday, we met at the site of a new church. On this coming Saturday, 360 days after their church was burned to the ground, the people of Greeleyville, the members of Mount Zion AME Church, their pastor, Reverend Terrence Mackey, will all gather at the site of the old church and they will march one mile to the new church. I think that the people of that community, black and white, have demonstrated to all of us what can be done and what should be done in responding to these kinds of vitriolic actions.

I am very pleased with their demonstration of cooperation. Earlier this evening I heard one of our colleagues talk about the difficulty that a community is having rebuilding a church that was burned. I thought as he spoke of the people in this little town in the poorest county in South Carolina, how they all banded together, irrespective of skin color, irrespective of hair texture, and they all came together to make sure that they demonstrate to the rest of the world how we ought to conduct ourselves.

Mr. Speaker, I know that the time is late and I think my time is running out, but I want to say one thing in order to make my point.

Many of you may recall that Martin Luther King Jr. in 1963 issued a letter from the Birmingham City Jail, a letter that spoke to the question of time and the neutrality of time. King admonished us in that letter that we are going to be called to repent in this generation not just for the vitriolic words and actions of bad people but for the appalling silence of good people.

I want to say to all the Members of the body and the people of our great Nation that these vitriolic actions may be bad but it is just as bad for us to remain silent.

So I want all of us to speak up and speak out and make sure that we do so in such a way that the people who perpetrate these vitriolic acts will be driven back under the rocks from which they came and hopefully we, the good people of our Nation, can march forward together.

I thank the gentleman so much for letting me be a part of this special order.

Mr. FIELDS of Louisiana. I thank the gentleman.

In closing, I would just like to say to the gentleman that I am happy and pleased that this Congress, and the American people should know that this Congress stands in unison, we stand together tonight, both Democrats and Republicans, blacks, whites, young, old, men and women. We will not tolerate the burning of any churches. We are going to appropriate the necessary resources to the agencies that are conducting investigations and we will find

the perpetrators of these crimes and they will be brought to justice.

To end this special order, I yield to the distinguished gentleman from Illinois. Before I do, I want to leave on this note. I often talk about what we have in common.

I will never forget when I graduated from high school my mother said, "What's the universal language?" I said, "It's English, Mom." And she said, "No, it's not."

She said, "If you cry, can you cry in English?" I said, no.

She said, "If you're in Spain can you cry in Spanish? If you're in France can you cry in French?" She said, "No, you cry in pain."

There is a lot of crying taking place tonight. I do not care if you are black or white, young or old, male or female, we all cry the same. I would hope we would work together to end that cry.

I yield to close to the gentleman from Illinois.

Mr. JACKSON of Illinois. Let me say that I think the gentleman from Louisiana's words were most appropriate and fitting to close this special order.

[National Rainbow Coalition, June 13, 1996]
"BURNING CHURCHES, BURNING OPPORTUNITY"
JACKSON ATTACKS SUPREME COURT DECISION

Washington, D.C.—The Reverend Jesse L. Jackson attacked today's Supreme Court decision which struck down majority-minority districts in North Carolina and Texas.

"At night, the enemies of civil rights strike in white sheets, burning churches," Jackson said. "By day, they strike in black robes, burning opportunities."

"1996 is looking more like 1896 every day," Jackson continued. "Churches are burned, all across the South. The gains of the Second Reconstruction won by Dr. King are being rolled back, just like Jim Crow rolled back the gains of the First Reconstruction. The Supreme Court in 1896 ruled on *Plessy vs. Ferguson*, with its idea of 'separate but equal.' The Supreme Court now puts out ruling after ruling under the pretense that after four centuries of slavery and apartheid, that a white population which makes up 85% of the electorate, and an African American electorate which makes up only about 10%, operate on an equal playing field."

Jackson noted with approval the words of Justice Stevens, who wrote: "A majority's attempt to enable the minority to participate more effectively in the process of democratic government should not be viewed with the same hostility that is appropriate for oppressive and exclusionary abuses of political powers."

Jackson also commented on those who voted in the majority: "On the side of those voting to end the Second Reconstruction, we find Chief Justice Rehnquist, who first came to public notice as he attempted to intimidate minority voters from going to the polls."

"Second, we find Sandra Day O'Connor, an affirmative action justice, who is only on the court because the civil rights movement and the women's movement forced America to widen the pool of those 'qualified' to serve in our nation's highest positions—despite that, she votes to end the most effective electoral remedy we have yet found to diversify the make-up of our legislatures."

"And third, of course, we find Justice Clarence Thomas, who is on the Supreme Court

only because he is Black—no white justice with his limited legal experience would ever have been considered for that position—and yet he turns his back on the same movement and remedies that allowed him to rise."

"Clarence Thomas is a memorial to George Bush's racial cynicism, and he has imposed upon us blow after blow more devastating than anything George Wallace was able to deliver."

Jackson concluded: "It is humiliating and painful to watch a prime beneficiary of Martin's movement stick the dagger in the heart of Dr. King's dream."

"Districts have historically been drawn based on incumbency, political parties, geographical boundaries, and industry. Racial factors were added after judges found, years after Selma, proof of patterns of racial discrimination. Therefore, they ordered the redrawing of boundaries for 'racial inclusion,' rather than 'racial exclusion.' These judges chose to be 'race-affirmative,' to offset centuries of 'race-negativity.'"

"The result after the 1992 elections was the most representative U.S. Congress, and the most representative state legislatures, in the history of this nation. This is the context in which the Supreme Court today has acted to wound Dr. King's dream."

"America is moving towards the end of this century with the same tragic music with which *Plessy v. Ferguson* ended the last century. And the saddest notes of all are being played by one of the civil rights movement's prime beneficiaries—Clarence Thomas."

Mr. COYNE. Mr. Speaker, I rise tonight to join in this special order on the recent rash of arson attacks on African-American churches throughout the South.

It causes me great pain that such a special order is necessary today, 40 years after *Brown v. Board of Education* and 30 years after the civil rights breakthroughs of the 1960's. I think that we all had believed that we were past the shameful period of our Nation's history when racist hate groups bombed and burned African-American churches in order to frighten African-American communities into submission.

I don't know whether these fires were primarily the product of some misguided individual or some fringe hate group—or whether they represent the uncoordinated acts of a number of people who have focused their hatred and frustration on these churches. We will have to wait for the results of the ongoing investigations to find that out. But I do know that—whatever the reason—such acts are unacceptable. They are unconscionable.

Few crimes are as abhorrent as an attack on a church. A church is a place to worship God. It is the heart of the moral and emotional life of any community. An attack on a church is a clear statement of hostility toward an entire community. In a country like ours that places a very high value on freedom of association, freedom of religion, and our Nation's diverse ethnic background, it should also be interpreted as an attack on the ideals and principles of our society.

One such case would be too many. But a single case could be understood as the isolated action of some sick individual. Unfortunately, the number of such crimes has grown so great that I think we can reasonably conclude that these arson attacks are racially motivated and, to some undetermined extent, or-

ganized. Clearly, African-American churches have been targeted because they represent the moral and emotional center of these communities. These attacks are clearly hate crimes directed at African-Americans. These crimes make clear that our Nation's painful struggle over race relations is far from over. Moreover, the sheer number of attacks suggests some kind of conspiracy, as well as a number of copycat free agents.

At times like these, it is important that Americans spontaneously rise up and unequivocally condemn these attacks, and that our government take every possible action to identify, apprehend, and punish the perpetrators. We must make it unmistakably clear that our society will not condone, tolerate, or ignore crimes of hate. We must make it clear that an attack on any member of our society is an attack on us all. We must make it clear that ours is a nation based on tolerance, diversity, and compassion—not violence, prejudice, and hate.

As a result of our racially troubled past and the sad, lingering legacy of slavery and Jim Crow laws, white Americans have a special responsibility at times like these to reach out to our African-American brothers and sisters to let them know that we do not share the racial hatred that appears to have motivated these attacks. We have a responsibility to let them know that we share their pain and anger, and that we want to work with them to heal the wounds created by these reprehensible attacks.

Sadly, it is clear that our society is still torn over the issue of race. I believe, however, that we have the potential to grow and mature. Change can be difficult, and it often takes time. But I believe that the day is not that far off when this society will fulfill the ideals of equality, freedom, and harmony to which it has always aspired.

I believe that we should attempt to turn this tragedy into opportunity—an opportunity to address the tensions that still linger below the surface in the daily interactions between Americans of different races, religions, and ethnic groups. As a first step, let us rise up as one people to condemn these intolerable attacks. Second, let us make certain that the Federal Government makes every effort possible to get to the bottom of these crimes. And finally, let us engage in a national dialogue to expose and extinguish the misunderstanding and fear that motivate such hateful acts.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HOUGHTON (at the request of Mr. ARMEY) for today until 3 p.m., on account of attending a funeral.

Mr. CUNNINGHAM (at the request of Mr. ARMEY) for today after 7 p.m. and the balance of the week, on account of attending his daughter's graduation.

Mr. MYERS of Indiana (at the request of Mr. ARMEY) for today after 8 p.m. through Tuesday, June 18, on account of official business.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. ARMEY) for today after 7:30 p.m. and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mrs. COLLINS of Illinois, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. HILLIARD, for 5 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. LUCAS of Oklahoma, for 5 minutes today.

Mr. GOSS, for 5 minutes today.

Mr. WALKER, for 5 minutes today.

Mr. GUTKNECHT, for 5 minutes today.

Mr. WELLS, for 5 minutes today.

Mr. HILLEARY, for 5 minutes today.

Mr. WAMP, for 5 minutes today.

Mr. METCALF, for 5 minutes today.

Mr. WELDON of Florida, for 5 minutes today.

Mrs. MORELLA, for 5 minutes today.

Mr. HORN, for 5 minutes today.

Mr. BAKER of California, for 5 minutes today.

Mr. MCINTOSH, for 5 minutes, on June 20.

Mrs. CUBIN, for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FILNER) and to include extraneous matter:)

Mr. KENNEDY of Massachusetts.

Mr. EDWARDS.

Mr. SCHUMER.

Mr. MARTINEZ.

Mr. BONIOR.

Mr. LEVIN.

Mr. JACOBS.

Mr. TORRICELLI.

Mrs. KENNELLY.

Mr. MARKEY.

Ms. DELAURO.

Mr. LAFALCE.

Mrs. MALONEY.

Mr. TOWNS.

Mr. PAYNE of New Jersey.

Mrs. LOWEY.

Mr. CARDIN.

Mrs. THURMAN.

Mrs. CLAYTON.

Ms. LOFGREN.

Mr. REED.

Mr. GENE GREEN of Texas.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mr. FIELDS of Texas.

Mr. HOKE.

Mr. FOX of Pennsylvania.

Mr. CUNNINGHAM.

Mr. SPENCE.

Mr. DORNAN.

ADJOURNMENT

Mr. FIELDS of Louisiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 midnight), under its previous order, the House adjourned until Monday, June 17, 1996, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3571. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Tobacco Inspection; Growers' Referendum Results (Docket No. TB-95-13) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3572. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Tobacco Inspection; Growers' Referendum Results (Docket No. TB-95-15) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3573. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Hazelnuts Grown in Oregon and Washington; Assessment Rate (Docket No. FV96-982-1IFR) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3574. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Increased Assessment Rate for Domestically Produced Peanuts Handled by Persons Not Subject to Peanut Marketing Agreement No. 146 and for Marketing Agreement No. 146 Regulating the Quality of Domestically Produced Peanuts (Docket No. FV96-998-1IFR) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3575. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Apricots Grown in Designated Counties in Washington; Temporary Suspension of Minimum Grade Requirements (Docket No. FV96-922-1IFR) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3576. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of June 1, 1996, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 104-232); to the Committee on Appropriations and ordered to be printed.

3577. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation entitled the "FHA Single Family Housing Reform Act of 1996"; to the Committee on Banking and Financial Services.

3578. A letter from the Assistant Secretary for Pension and Welfare Benefits, Department of Labor, transmitting the Department's final rule—Interpretive Bulletin 96-1 Participant Investment Education (Pension and Welfare Benefits Administration) (RIN:

1210-AA50) received June 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

3579. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Valuation of Plan Benefits in Single-Employer Plans; Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal; Amendments Adopting Additional PBGC Rates (29 CFR Parts 2619 and 2676) received June 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

3580. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled the "Development Disabilities Assistance Amendments of 1996," pursuant to 31 U.S.C. 1110; to the Committee on Economic and Educational Opportunities.

3581. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Testing Consent Order for Alkyl Glycidyl Ethers; Technical Amendment (FRL-5368-3) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3582. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Air Pollutant List; Modification (FRL-5520-5) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3583. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites (FRL-5520-2) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3584. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 15.117(g)(3) of the Commission's Rules Relating to the Filing of UHF Noise Figure Performance Measurements (ET Docket No. 95-144) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3585. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Section 302 of the Telecommunications Act of 1996: Open Video Systems (CS Docket No. 95-46) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3586. A letter from the Director, Regulations Policy Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Foods and Drugs; Technical Amendments (21 CFR Chapter I) received June 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3587. A letter from the Director, Regulations Policy Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Change of Names and Addresses; Technical Amendment; Correction (21 CFR Parts 172, 173, 175, 176, 177, 178, 180, 181, and 189) received June 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3588. A letter from the Director, Regulations Policy Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Change of Names and Addresses; Technical Amendment; (21 CFR Parts 172, 173, 175, 176, 177, 178, 180, 181,

and 189) received June 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3589. A letter from the Director, Regulations Policy Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Foods and Drugs; Technical Amendments (21 CFR Chapter I) received June 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3590. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Production and Utilization Facilities; Emergency Planning and Preparedness Exercise Requirements (RIN: 3150-AF20) received June 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3591. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Health Maintenance Organizations: Employer Contribution to HMO's (Health Care Financing Administration) [OMC-004-F] (RIN: 0938-AE64) received June 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3592. A letter from the Secretary of Education, transmitting the semiannual report to Congress on audit follow-up for the period October 1, 1995, through March 31, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3593. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-279, "Fiscal Year 1996 Budget Support Act of 1996," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

3594. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Airstrip Closure (National Park Service, Cape Lookout National Seashore) (RIN: 1024-AC29) received June 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3595. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Importation, Exportation, and Transportation of Wildlife (Fish and Wildlife Service) (RIN: 1018-AB49) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3596. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Reclassification of *Erigeron maguirei* (Maguire daisy) from Endangered to Threatened (RIN: 1018-AC71) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3597. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Operating Requirements: Domestic, Flag, Supplemental, Commuter, and On-Demand Operations; Corrections and Editorial Changes (Federal Aviation Administration) (RIN: 2120-AG03) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3598. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Baker, Montana (Federal Aviation Administration) [Docket No. 96-ANM-001] (RIN: 2120-AA66) (1996-0056) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3599. A letter from the General Counsel, Department of Transportation, transmitting

the Department's final rule—Establishment of Federal Colored Airway B-9; FL (Federal Aviation Administration) [Docket No. 95-ASO-20] (RIN: 2120-AA66) (1996-0058) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3600. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Alteration of V-99, V-451, and J-62 (Federal Aviation Administration) [Docket No. 95-ANE-35] (RIN: 2120-AA66) (1996-0059) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3601. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Las Vegas (Federal Aviation Administration) [Docket No. 95-ASW-31] (RIN: 2120-AA66) (1996-0062) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3602. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model L-1011-385 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-104-AD; Amendment 39-9667; AD 96-12-24] (RIN: 2120-AA64) (1996-0062) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3603. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Superior Air Parts, Inc. Pistons Installed on Teledyne Continental Motors O-470 Series Airplanes (Federal Aviation Administration) [Docket No. 94-ANE-30; Amendment 39-9646; AD 96-12-04] (RIN: 2120-AA64) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3604. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AlliedSignal, Inc. (formerly Textron Lycoming) LTS101 Series Turboshaft and LTP101 Series Turboprop Engines (Federal Aviation Administration) [Docket No. 95-ANE-16; Amendment 39-9647; AD 96-12-05] (RIN: 2120-AA64) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3605. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Teledyne Continental Motors and Rolls-Royce, plc O-200 Series Reciprocating Engines (Federal Aviation Administration) [Docket No. 94-ANE-53; Amendment 39-9648; AD 96-12-06] (RIN: 2120-AA64) received June 13, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3606. A letter from the Director, Office of Global Programs, National Oceanic and Atmospheric Administration, transmitting the Office's final rule—Climate and Global Change Program—received June 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

3607. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Educational Assistance Programs and Service Members Occupational Conversion and Training Act Program (RIN: 2900-AH31) received June 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3608. A letter from the Assistant Secretary (Tax Policy), Department of the Treasury, transmitting a draft of proposed legislation to amend the Internal Revenue Code; to the Committee on Ways and Means.

3609. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation entitled the "Community Development Block Grant Performance Fund and HOME Performance Fund Act of 1996"; jointly, to the Committees on Banking and Financial Services and Ways and Means.

3610. A letter from the Vice President of the United States, transmitting a draft of proposed legislation entitled the "Everglades and South Florida Ecosystem Restoration Act of 1996"; jointly, to the Committees on Transportation and Infrastructure, Resources, and Agriculture.

3611. A letter from the Secretary of Housing and Urban Development, transmitting two drafts of proposed legislation entitled the "FHA Multifamily Housing Reform Act of 1996" and the "Housing Enforcement Act of 1996"; jointly, to the Committees on Banking and Financial Services, Resources, the Judiciary, and Ways and Means.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. COMBEST: Permanent Select Committee on Intelligence. H.R. 3237. A bill to provide for improved management and operation of intelligence activities of the Government by providing for a more corporate approach to intelligence, to reorganize the agencies of the Government engaged in intelligence activities so as to provide an improved Intelligence Community for the 21st century, and for other purposes, with an amendment; referred to the Committee on Government Reform for a period ending not later than July 23, 1996, for consideration of such provisions of the bill and the amendments recommended by the Permanent Select Committee on Intelligence as fall within the jurisdiction of that committee pursuant to clause 1(g), rule X (Rept. 104-620, Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3237. Referral to the Committee on National Security extended for a period ending not later than July 23, 1996.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FRAZER (for himself, Mr. BALDACCIO, Mr. BISHOP, Mr. THOMPSON, Mr. NORTON, Mr. MORAN, Mr. WYNN, Mr. HASTINGS of Florida, Mrs. MEEK of Florida, Mr. LUTHER, Mr. ROMERO-BARCELO, Mr. HILLIARD, Mrs. MCKINNEY, Mrs. CLAYTON, Mr. RANGEL, Mr. DORNAN, Ms. JACKSON-LEE, Mr. LEWIS of Georgia, Mr. FLAKE, Mr. HAYWORTH, and Mr. MENENDEZ):

H.R. 3634. A bill to amend provisions of the Revised Organic Act of the Virgin Islands which relate to the temporary absence of executive officials and the priority payment of certain bonds and other obligations; to the Committee on Resources.

H.R. 3635. A bill to direct the Secretary of the Interior to enter into an agreement with the Governor of the Virgin Islands, upon request, that provides for the transfer of the authority to manage Christiansted National Historic site; to the Committee on Resources.

By Mr. NEUMANN (for himself, Mr. MCINTOSH, Mr. BASS, Mr. BONO, Mr. BROWNBACK, Mr. BURR, Mr. CAMPBELL, Mr. CHABOT, Mrs. CHENOWETH, Mr. CHRISTENSEN, Mr. CHRYSLER, Mr. COBURN, Mr. COOLEY, Mr. CREMEANS, Mrs. CUBIN, Mr. EHRLICH, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. FOLEY, Mr. FORBES, Mr. FOX, Mr. FRISA, Mr. FUNDERBURK, Mr. GRAHAM, Ms. GREENE of Utah, Mr. GUTKNECHT, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HILLEARY, Mr. HOSTETTLER, Mr. JONES, Mr. LAHOOD, Mr. LARGENT, Mr. LATOURETTE, Mr. MARTINI, Mr. METCALF, Mrs. MYRICK, Mr. NEY, Mr. NORWOOD, Mr. RADANOVICH, Mr. RIGGS, Mr. SALMON, Mr. SCARBOROUGH, Mrs. SEASTRAND, Mr. SHAD-EGG, Mr. SOUDER, Mr. STOCKMAN, Mr. TIAHRT, Mr. THORNBERRY, Mr. WAMP, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, and Mr. WELLER):

H.R. 3636. A bill to amend title II of the Social Security Act to ensure the integrity of the Social Security trust funds by requiring the Managing Trustee to invest the annual surplus of such trust funds in marketable interest-bearing obligations of the United States and certificates of deposit in depository institutions insured by the Federal Deposit Insurance Corporation, and to protect such trust funds from the public debt limit; to the Committee on Ways and Means.

By Mr. HORN (for himself and Mr. FOX):

H.R. 3637. A bill to amend chapter 57 of title 5, United States Code, and title 31, United States Code, to provide employees who transfer in the interest of the Government more effective and efficient delivery of relocation allowances by reducing administrative costs and improving services, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. BEREUTER (for himself, Mr. HOUGHTON, Mr. HASTINGS of Florida, and Mr. PAYNE of New Jersey):

H.R. 3638. A bill to reauthorize the Development Fund for Africa under chapter 10 of part I of the Foreign Assistance Act of 1961; to the Committee on International Relations.

By Mr. BLUTE (for himself and Mr. FRANK of Massachusetts):

H.R. 3639. A bill to amend the Federal Water Pollution Control Act; to the Committee on Transportation and Infrastructure.

By Mr. BONO (for himself, Mr. HUNTER, Mr. BROWN of California, Mr. CALVERT, and Mr. BURTON of Indiana):

H.R. 3640. A bill to provide for the settlement of issues and claims related to the trust lands of the Torres-Martinez Desert Cahuilla Indians, and for other purposes; to the Committee on Resources.

By Mr. GALLEGLY (for himself, Mr. FARR, Mr. FAZIO of California, and Mrs. SEASTRAND):

H.R. 3641. A bill to amend the Federal Power Act to provide for the delegation of

dam safety authority to State government; to the Committee on Commerce.

By Mr. GALLEGLY:

H.R. 3642. A bill to provide for the transfer of public lands to certain California Indian Tribes; to the Committee on Resources.

By Mr. HUTCHINSON (for himself, Mr. EDWARDS, Mr. STUMP, and Mr. MONTGOMERY):

H.R. 3643. A bill to amend title 38, United States Code, to extend through December 31, 1998, the period during which the Secretary of Veterans Affairs is authorized to provide priority health care to certain veterans who were exposed to Agent Orange or who served in the Persian Gulf war and to make such authority permanent in the case of certain veterans exposed to ionizing radiation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KENNEDY of Massachusetts (for himself, Mr. HANSEN, Mr. CONYERS, Mr. KASICH, Mr. HINCHEY, Ms. NORTON, Mr. HOKE, Mr. MORAN, Mr. SMITH of New Jersey, Mr. FATTAH, and Mr. FALOMAVAEGA):

H.R. 3644. A bill to prohibit the advertising of distilled spirits on radio and television; to the Committee on Commerce.

By Mr. KLUG (for himself, Mr. WALSH, Mr. BARTON of Texas, Mr. PALLONE, and Mr. PETE GEREN of Texas):

H.R. 3645. A bill to amend the National Environmental Education Act to extend the programs under the act, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mrs. LOWEY (for herself, Ms. NORTON, Mr. CONYERS, Mr. WATT of North Carolina, Ms. JACKSON-LEE, Ms. WOOLSEY, Ms. PELOSI, Mrs. MEEK of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MALONEY, Mrs. CLAYTON, Mrs. RIVERS, Ms. MCKINNEY, Ms. BROWN of Florida, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BROWN of California, Mr. DOOLEY, Mr. FROST, Mr. GUTIERREZ, Mr. HILLIARD, Mr. LANTOS, and Mr. THOMPSON):

H.R. 3646. A bill to provide remedies for certain instances of sexual harassment, and to provide additional funding for the Equal Employment Opportunity Commission; to the Committee on the Judiciary, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MANZULLO (for himself, Mr. WELDON of Pennsylvania, Mr. WAXMAN, Mr. SOLOMON, Mr. COLEMAN, Mr. COBLE, Mr. EVANS, Mr. DIAZ-BALART, Mr. FROST, and Mr. JACOBS):

H.R. 3647. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that chaplains killed in the line of duty receive benefits; to the Committee on the Judiciary.

By Mr. MARKEY:

H.R. 3648. A bill to reestablish the National Science Scholars Program; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA:

H.R. 3649. A bill to provide for a demonstration project to assess the feasibility and desirability of temporarily placing Fed-

eral employees with another agency or other potential employer so as to facilitate the reemployment of individuals facing separation pursuant to a reduction in force; to the Committee on Government Reform and Oversight.

By Mrs. MORELLA (for herself, Mr. KENNEDY of Massachusetts, Mr. WOLF, Ms. NORTON, Mr. SABO, and Mr. JOHNSTON of Florida):

H.R. 3650. A bill to amend part E of title IV of the Social Security Act to require States to regard adult relatives who meet State child protection standards as the preferred placement option for children, and to provide for demonstration projects to test the feasibility of establishing kinship care as an alternative to foster care for a child who has adult relatives willing to provide safe and appropriate care for the child; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 3651. A bill to amend the Federal Election Campaign Act of 1971 to limit expenditures in House of Representatives elections; to the Committee on House Oversight.

By Mr. REED (for himself, Mr. SCHUMER, Mrs. ROUKEMA, Mr. BERMAN, Mr. ENGEL, Mr. NADLER, Mr. WAXMAN, Mr. YATES, Mr. KENNEDY of Rhode Island, Ms. PELOSI, Mr. MCDERMOTT, Mr. HORN, Ms. NORTON, Mr. CLAY, Mr. OWENS, Ms. LOFGREN, Mr. MANTON, and Mr. TORRICELLI):

H.R. 3652. A bill to apply equal standards to certain foreign made and domestically produced handguns; to the Committee on the Judiciary.

By Ms. RIVERS:

H.R. 3653. A bill to amend the Federal Election Campaign Act of 1971 to require candidates for the House of Representatives or the Senate to file information included in quarterly candidate reports with the Federal Election Commission within 48 hours of the time the information becomes available, to require all reports filed with the Federal Election Commission to be filed electronically, to require the information contained in such reports to be made available through the Internet, and for other purposes; to the Committee on House Oversight.

By Mr. SPRATT (for himself, Mr. COBLE, Mr. PAYNE of Virginia, Mr. BURR, Mr. COLLINS of Georgia, Mr. RANGEL, Mr. ROGERS, Mr. CARDIN, Mr. NEAL of Massachusetts, Mr. COYNE, Mr. FORD, Mr. LEWIS of Georgia, Mr. LEVIN, Mr. MATSUI, Mr. HUNTER, Mr. FLANAGAN, Mr. BAKER of California, Mr. CHAMBLISS, Mr. BROWDER, Mr. FRANK of Massachusetts, Mr. HEFNER, Mr. QUILLLEN, Ms. KAPTUR, Mr. SPENCE, Mr. MONTGOMERY, Mr. LEWIS of Kentucky, Mr. GRAHAM, Mr. DEAL of Georgia, Mr. FUNDERBURK, Mr. JONES, Mr. CLYBURN, Mr. WATT of North Carolina, Mr. BALLENGER, Mr. HEINEMAN, Mr. RAHALL, Mr. ANDREWS, Mr. THOMPSON, Mr. ROSE, Mr. PETERSON of Minnesota, Mr. SISISKY, Mr. GORDON, Mr. MCHALE, Mr. HOLDEN, Mr. BISHOP, Mr. BOUCHER, Mr. WOLF, Mr. CRAMER, Mr. ENGEL, Mr. CONDT, Mr. STENHOLM, Mr. REED, Mr. WHITFIELD, Mr. HALL of Texas, Mr. INGLIS of South Carolina, Mr. NADLER, Mr. DEFazio, Mr. MILLER of California, Mrs. MYRICK, Mrs. CLAYTON, Mr. STUPAK, Mr. NORWOOD, Ms. JACKSON-LEE, Mr. KINGSTON, Mr. LINDER, Mr. TANNER, Ms. SLAUGHTER, and Ms. DANNER):

H.R. 3654. A bill to ensure the competitiveness of the U.S. textile and apparel industry; to the Committee on Ways and Means.

By Mr. TATE:

H.R. 3655. A bill to amend title 18, United States Code, to reform Federal prisons; to the Committee on the Judiciary.

By Mr. TORRICELLI (for himself and Mr. PALLONE):

H.R. 3656. A bill to amend the Safe Drinking Water Act to require persons contributing to drinking water contamination to reimburse public water systems for the costs of decontamination; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELAZQUEZ:

H.R. 3657. A bill to provide pay equity and labor protection for contingent workers, and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Ways and Means, Government Reform and Oversight, and House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VOLKMER:

H.R. 3658. A bill to amend the Federal Election Campaign Act of 1971 to provide for campaign spending limits, and for other purposes; to the Committee on House Oversight.

By Mr. YOUNG of Alaska:

H.R. 3659. A bill to amend the Tongass Timber Reform Act to ensure the proper stewardship of publicly owned assets in the Tongass National Forest in the State of Alaska, a fair return to the United States for public timber in the Tongass, and a proper balance among multiple use interests in the Tongass to enhance forest health, sustainable harvest, and the general economic health and growth in southeast Alaska and the United States; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRBACHER (for himself, Mr. SOLOMON, Mr. GILMAN, Ms. PELOSI, Mr. COX, Mr. WOLF, Mr. LANTOS, Mr. HUNTER, Ms. KAPTUR, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. FAZIO of California, Mr. TRAFICANT, Mr. DORNAN, Mr. FUNDERBURK, Mr. LIPINSKI, Mr. BUNNING of Kentucky, Mr. PALLONE, Mr. SCARBOROUGH, Mr. DIAZ-BALART, Mr. ROSE, Mr. STOCKMAN, Mr. BROWN of Ohio, Ms. ROS-LEHTINEN, Ms. MCKINNEY, Mr. STEARNS, Mr. DEFazio, Mr. STARK, Mrs. SCHROEDER, Mr. EVANS, Mr. MARKEY, Mr. MILLER of California, Mr. BAKER of California, and Mr. FRANK of Massachusetts):

H.J. Res. 182. Joint resolution disapproving the extension of nondiscriminatory treatment—most-favored-nation treatment—to the products of the People's Republic of China; to the Committee on Ways and Means.

By Mr. WHITE (for himself and Mr. BOUCHER):

H. Con. Res. 185. Concurrent resolution expressing the sense of the Congress that Members should understand and use the Internet to improve the democratic process, commu-

nicate with the Internet community; to the Committee on House Oversight.

By Mr. WATTS of Oklahoma (for himself, Mrs. CLAYTON, Mr. HYDE, Mr. LAUGHLIN, Mr. WICKER, Mr. LARGENT, Mr. BONILLA, Mrs. MYRICK, Mr. HALL of Texas, Mr. PETERSON of Minnesota, Mr. ENGLISH of Pennsylvania, Mr. HEINEMAN, Mr. NORWOOD, Mr. HUTCHINSON, Mr. CONNIT, Mr. BAESLER, Mr. WAMP, Mr. FIELDS of Texas, Mr. SOUDER, Mr. HILLEARY, Mr. ARCHER, Mr. TALENT, Ms. JACKSON-LEE, Mr. GRAHAM, Mr. BONIOR, Mr. RICHARDSON, Ms. DELAURO, Mr. KING, Mr. PAYNE of New Jersey, Mr. SANDERS, Mr. WARD, Mr. FRAZER, Mr. FORD, Mr. BROWDER, Mr. HILLIARD, Mr. HINCHEY, Mr. OWENS, Mr. HALL of Ohio, Mr. FIELDS of Louisiana, Mr. MEEHAN, Mr. FROST, Mr. HASTINGS of Florida, Mrs. MALONEY, Mr. LANTOS, Mr. DELLUMS, Mr. FRANKS of Connecticut, Mr. WAXMAN, Mr. CLYBURN, Mr. ABERCROMBIE, Mr. FARR, Mr. JACKSON, Mr. GILCREST, Ms. NORTON, Ms. WOOLSEY, Ms. FURSE, Ms. ESHOO, Mr. PALLONE, Mrs. THURMAN, Mrs. KENNELLY, Mr. SHAYS, Mr. CLAY, Ms. KAPTUR, Mr. WATT of North Carolina, Mr. FOGLIETTA, Mr. THOMPSON, Mr. MILLER of California, Mr. LEWIS of Georgia, Ms. PELOSI, Ms. ROYBAL-ALLARD, Mr. WYNN, Mr. EDWARDS, Mr. CLEMENT, Mrs. SCHROEDER, Miss COLLINS of Michigan, Mr. RUSH, Mr. TORRICELLI, Mr. STOKES, Mr. ROSE, Mr. CUMMINGS, Mr. HEFNER, Mrs. MEEK of Florida, Mr. FLAKE, Ms. PRYCE, Mr. SERRANO, Mr. BISHOP, Mr. FATTAH, Ms. SLAUGHTER, Ms. RIVERS, Mr. NADLER, Mr. FRANK of Massachusetts, Ms. VELAZQUEZ, Ms. WATERS, Mrs. COLLINS of Illinois, Mr. STARK, Mr. BARRETT of Wisconsin, Mr. SANFORD, Mr. ARMEY, Mr. ZELIFF, Mr. BAKER of California, Mr. STOCKMAN, Mr. PAXON, Mr. SHADEGG, Mr. ENSIGN, and Mr. COBURN):

H. Con. Res. 186. Concurrent resolution expressing the sense of Congress with respect to recent church burnings; to the Committee on the Judiciary.

By Mr. WATTS of Oklahoma (for himself, Mrs. CLAYTON, Mr. HYDE, Mr. LAUGHLIN, Mr. WICKER, Mr. LARGENT, Mr. BONILLA, Mrs. MYRICK, Mr. HALL of Texas, Mr. PETERSON of Minnesota, Mr. ENGLISH of Pennsylvania, Mr. HEINEMAN, Mr. NORWOOD, Mr. HUTCHINSON, Mr. CONNIT, Mr. BAESLER, Mr. WAMP, Mr. FIELDS of Texas, Mr. SOUDER, Mr. HILLEARY, Mr. ARCHER, Mr. TALENT, Ms. JACKSON-LEE, Mr. GRAHAM, Mr. BONIOR, Mr. RICHARDSON, Ms. DELAURO, Mr. KING, Mr. PAYNE of New Jersey, Mr. SANDERS, Mr. WARD, Mr. FRAZER, Mr. FORD, Mr. BROWDER, Mr. HILLIARD, Mr. HINCHEY, Mr. OWENS, Mr. HALL of Ohio, Mr. FIELDS of Louisiana, Mr. MEEHAN, Mr. FROST, Mr. HASTINGS of Florida, Mrs. MALONEY, Mr. LANTOS, Mr. DELLUMS, Mr. FRANKS of Connecticut, Mr. WAXMAN, Mr. CLYBURN, Mr. ABERCROMBIE, Mr. FARR, Mr. JACKSON, Mr. GILCREST, Ms. NORTON, Ms. WOOLSEY, Ms. FURSE, Ms. ESHOO, Mr. PALLONE, Mrs. THURMAN, Mrs. KENNELLY, Mr. SHAYS, Mr. CLAY, Ms. KAPTUR, Mr. WATT of North Carolina, Mr. FOGLIETTA, Mr. THOMPSON, Mr. MILLER of California, Mr. LEWIS of Georgia, Ms. PELOSI, Ms. ROYBAL-

ALLARD, Mr. WYNN, Mr. EDWARDS, Mr. CLEMENT, Mrs. SCHROEDER, Miss COLLINS of Michigan, Mr. RUSH, Mr. TORRICELLI, Mr. STOKES, Mr. ROSE, Mr. CUMMINGS, Mr. HEFNER, Mrs. MEEK of Florida, Mr. FLAKE, Ms. PRYCE, Mr. SERRANO, Mr. BISHOP, Mr. FATTAH, Ms. SLAUGHTER, Ms. RIVERS, Mr. NADLER, Mr. FRANK of Massachusetts, Ms. VELAZQUEZ, Ms. WATERS, Mrs. COLLINS of Illinois, Mr. STARK, Mr. BARRETT of Wisconsin, Mr. SANFORD, Mr. ARMEY, Mr. ZELIFF, Mr. BAKER of California, Mr. STOCKMAN, Mr. PAXON, Mr. SHADEGG, Mr. ENSIGN, Mr. COBURN, Mr. TIAHRT, Mr. INGLIS of South Carolina, and Mr. ROEMER):

H. Con. Res. 187. Concurrent resolution expressing the sense of Congress with respect to recent church burnings; to the Committee on the Judiciary.

By Mr. ROHRBACHER:

H. Con. Res. 188. Concurrent resolution expressing the sense of the Congress with respect to increasing political oppression in Burma; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

224. By the SPEAKER: Memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 48 to memorialize the U.S. Congress to take such actions as are necessary to designate U.S. Highway 90 as part of the Interstate System as an expansion of Interstate 49; to the Committee on Transportation and Infrastructure.

225. Also, memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 54 to memorialize the U.S. Congress to authorize the concurrent receipt of full retirement pay and disability compensation benefits for disabled veterans; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Ms. PRYCE.
H.R. 103: Mr. KANJORSKI.
H.R. 123: Mr. PORTMAN.
H.R. 127: Mr. JONES and Mr. DELLUMS.
H.R. 248: Mr. HOBSON.
H.R. 303: Ms. PRYCE.
H.R. 468: Mrs. KELLY.
H.R. 878: Mr. LOBIONDO, Mr. HAMILTON, Mr. EVANS, Mr. ACKERMAN, and Mr. RICHARDSON.
H.R. 941: Mr. FRELINGHUYSEN.
H.R. 1073: Mr. HAMILTON and Mrs. COLLINS of Illinois.
H.R. 1074: Mr. HAMILTON and Mrs. COLLINS of Illinois.
H.R. 1090: Mrs. VUCANOVICH.
H.R. 1171: Mr. BEVILL and Mr. BENTSEN.
H.R. 1352: Mr. DICKS.
H.R. 1514: Mr. HOYER, Mr. COOLEY, Mr. LUTHER, and Mr. MATSUI.
H.R. 1661: Mr. NORWOOD.
H.R. 1662: Mr. GOODLATTE.
H.R. 1797: Mr. NADLER.
H.R. 1805: Mr. LOBIONDO and Mr. HAMILTON.
H.R. 2008: Ms. ROS-LEHTINEN.
H.R. 2026: Mr. SHUSTER, Mr. MCINTOSH, Mr. HILLIARD, Mr. BEVILL, Mr. BLUMENAUER, and Mr. EHLERS.

H.R. 2128: Mr. RIGGS and Mr. McKEON.
 H.R. 2138: Mr. SAXTON.
 H.R. 2152: Mr. PAYNE of Virginia.
 H.R. 2246: Mr. NADLER.
 H.R. 2247: Mrs. MALONEY and Ms. RIVERS.
 H.R. 2333: Mr. BISHOP and Mr. RIGGS.
 H.R. 2462: Mr. DUNCAN.
 H.R. 2536: Mr. SHAYS and Mr. TATE.
 H.R. 2566: Mr. TORRICELLI.
 H.R. 2705: Mrs. CLAYTON, Mr. ABERCROMBIE, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. SABO, Mr. SANDERS, and Mr. WISE.
 H.R. 2757: Mr. MATSUI, Mr. TAYLOR of North Carolina, Mr. FARR, and Mr. GUTKNECHT.
 H.R. 2807: Mr. DEFazio.
 H.R. 2911: Mr. RIGGS.
 H.R. 2925: Mr. HILLEARY and Ms. KAPTUR.
 H.R. 2976: Mr. BERMAN, Mr. CASTLE, Ms. FURSE, and Ms. EDDIE BERNICE JOHNSON of Texas.
 H.R. 2997: Mr. CALVERT.
 H.R. 3047: Mr. HAYES.
 H.R. 3114: Mr. CASTLE, Mr. SOUDER, and Mr. LIGHTFOOT.
 H.R. 3125: Mr. CANADY.
 H.R. 3126: Mr. WATTS of Oklahoma.
 H.R. 3142: Mr. COMBEST, Mr. SMITH of Texas, Mr. TIAHRT, Mr. LATOURETTE, Mr. CHRISTENSEN, Mr. CRAMER, and Mr. SCOTT.
 H.R. 3187: Mr. DOYLE, Mr. BARCIA of Michigan, Mr. SCHAEFER, and Mr. MASCARA.
 H.R. 3217: Mr. WALSH, Mr. LIPINSKI, and Mr. EVANS.

H.R. 3226: Mr. HOLDEN.
 H.R. 3280: Mr. ACKERMAN, Mr. KENNEDY of Rhode Island, and Mr. OLVER.
 H.R. 3338: Mr. PORTMAN, Mr. MINGE, Mr. POMEROY, Mrs. CHENOWETH, Mrs. VUCANOVICH, Mr. TANNER, Mr. COBLE, Mr. KLUG, and Mr. COLLINS of Georgia.
 H.R. 3362: Ms. MCKINNEY, Ms. NORTON, Ms. RIVERS, and Ms. FURSE.
 H.R. 3396: Mr. BILIRAKIS, Mr. HANSEN, Mr. CALLAHAN, Mr. PACKARD, Mr. PORTMAN, Mr. STENHOLM, and Mr. PETE GEREN of Texas.
 H.R. 3416: Mr. GREEN of Texas and Mr. STEARNS.
 H.R. 3427: Mr. DICKEY.
 H.R. 3447: Mrs. KELLY and Ms. PRYCE.
 H.R. 3467: Mr. LUCAS.
 H.R. 3477: Mr. MINGE.
 H.R. 3480: Mr. BARR, Mr. FUNDERBURK, Mr. TAYLOR of North Carolina, Mr. ROSE, and Mr. CANADY.
 H.R. 3514: Mr. HALL of Texas, Mr. BARTON of Texas, and Mrs. SEASTRAND.
 H.R. 3521: Mr. GREEN of Texas, Ms. RIVERS, Ms. LOFGREN, Ms. NORTON, Mr. ACKERMAN, and Ms. MCKINNEY.
 H.R. 3525: Mr. INGLIS of South Carolina, Mr. DAVIS, Mr. GILCHREST, Miss. COLLINS of Michigan, and Mr. BLUTE.
 H.R. 3559: Mr. TIAHRT, Mr. BEREUTER, and Mr. COOLEY.
 H.R. 3571: Mr. HAYWORTH, Mr. MCHUGH, Mr. LIPINSKI, Mr. FORBES, Mr. QUINN, Mr. KEN-

NEDY of Massachusetts, Mrs. KELLY, and Mr. DELLUMS.
 H.R. 3601: Mr. MCINTOSH and Mr. HOSTETTLER.
 H.R. 3622: Mr. BASS, Mr. ENSIGN, Mr. EWING, Mr. MANZULLO, Mr. HALL of Texas, and Mr. ENGLISH of Pennsylvania.
 H.R. 3630: Mr. LONGLEY.
 H.J. Res. 173: Mr. ROYCE, Ms. ROSELEHTINEN, Mr. STEARNS, and Mr. SHADEGG.
 H.J. Res. 174: Mr. ROYCE, Ms. ROSELEHTINEN, Mr. CONDIT, and Mr. FOLEY.
 H. Con. Res. 151: Mr. BENTSEN, Ms. SLAUGHTER, Mr. DURBIN, Mr. CUMMINGS, Ms. VELAZQUEZ, Mrs. MALONEY, Mr. ACKERMAN, Mr. DOYLE, and Mrs. SCHROEDER.
 H. Con. Res. 156: Mr. NADLER.
 H. Res. 172: Mr. FLAKE, Mr. POSHARD, Mr. DEFazio, and Mr. ACKERMAN.
 H. Res. 452: Ms. LOFGREN.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 12 by Mrs. SMITH of Washington on House Resolution 373: Dick Zimmer.